



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-69668-2025 (O&M)

Vinod Kumar ...Petitioner

Versus

State of Haryana ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	25.03.2026
2	The date when the judgment is pronounced	30.03.2026
3	The date when the judgment is uploaded on the website	30.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. S. Sekhon, Senior Advocate with
Ms. Sweedel Goyal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

- Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 83 dated 12.02.2022, registered under Sections 18-A and 18-C of the Drugs and Cosmetics Act, 1940 and Sections 22-C, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Civil Lines, Sirsa, District Sirsa.
- Brief facts of the case relevant for the purpose of disposal of this petition are that on 12.02.2022, while the police party was on patrolling duty, a

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white-coloured car was noticed approaching. However, on seeing the police vehicle, the driver of said vehicle attempted to reverse the car through a vacant plot, which aroused suspicion. The car was intercepted and the driver disclosed his identity as Tanurag Manav. On search of the vehicle, 19,000 tablets of Tramadol, 1,200 tablets of Tramadol, 480 tablets of Alprazolam and 15 injections were recovered. Pursuant to the registration of the instant FIR, the disclosure statement of co-accused Tanurag Manav was recorded, wherein he stated that he had purchased the recovered tablets and injections from his cousin Vinod Kumar i.e. the present petitioner. He further disclosed that he had sold and supplied the contraband to various persons in the following manner:

- 21 strips of Tramadol to Krishan Kumar;
- 250 tablets of Tramadol and 600 tablets of Alprazolam to Yogesh;
- one box of Alprazolam and two abortion kits to Dr. Vijay alias Tolu Ram;
- 200 intoxicating tablets to Dr. Dalbir Singh Kamboj;
- three boxes of Alprazolam (1,800 tablets) to Sunil Kumar;
- one box of Tramadol (550 tablets) to Dr. Ginder Kamboj;
- one box of Tramadol and 10 boxes of Alprazolam to Sudesh Chimpa;
- one box of Alprazolam (600 tablets) and one box (240 tablets) of Proxiron Spas to Vikash Sharma;
- two boxes of Alprazolam (1,200 tablets) to Dr. Chiman Lal Chauhan;
- 200 tablets of Tramadol to Sandeep;
- 200 intoxicating tablets to Sushil Kumar;
- 240 Alprex tablets to Dr. Raj Kumar;
- one box of Tramadol (600 tablets) to Ravinder;
- 200 tablets of Alprazolam to K.V.;
- 250 tablets of Tramadol and 1,250 tablets of Alprex to Jassi

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alias Jaswant Singh;

- 250 tablets of Tramadol and one box (600 tablets) of Alprazolam to Yogesh alias Kali.

3. On the basis of the aforementioned disclosure of co-accused Tanurag Manav, the present petitioner and abovenamed persons were nominated as accused in this case. Several co-accused were arrested. The petitioner was arrested on 28.05.2025. Investigation now stands completed and challan has been filed.

4. It is argued by learned counsel for the petitioner that he was neither found at the spot nor was named in the FIR. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which cannot be considered to be admissible in evidence. No subsequent recovery of any contraband has been effected from him. There is nothing on record to show that the petitioner was involved in the subject crime in any manner with the co-accused. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as out of total 32 prosecution witnesses, only 01 witness has been examined so far. Although he has been falsely implicated in one more case of similar nature but he is on bail in that case. The petitioner is in custody since long. Main accused Tanurag Manav has already been granted concession of regular bail by this Court. Apart from him, co-accused Ravinder Kumar and Raj Kumar have been granted concession of anticipatory bail, whereas co-accused Vijay @ Tolu Ram has been granted concession of regular bail. On parity, the petitioner too deserves to be given the same benefit. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be

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released on regular bail.

5. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, his criminal antecedents as well as the fact that commercial quantity of the contraband was recovered in this case, he is not entitled to get benefit of bail as Section 37 of the NDPS Act would be attracted in this case. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has heard the submissions made by learned counsel for the parties.

7. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

8. The case of the prosecution is that the name of the petitioner was disclosed by the abovenamed co-accused Tanurag Manav, from whom

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recovery of commercial quantity of the contraband was effected. As per his disclosure statement, he had sourced the contraband from the present petitioner. In *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1*, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. The petitioner was arrested on 20.08.2025. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time out of total 32 prosecution witnesses, only 01 witness has been examined so far. The petitioner is stated to be on bail in another case registered against him. Main accused as well as several other co-accused have been granted concession of regular/anticipatory bail. The principle of parity also weighs in favour of the petitioner. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

9. It is made clear that any observation made herein above is only for

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the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

30.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No