



226

**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.70337 of 2025

Date of Decision: 10.02.2026

Ishyadas Parichhas @ Eshya Das Parichha

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Punit Malik, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.34, dated 13.02.2024, under Section 20(b)(II)(c) of NDPS Act, 1985, registered at Police Station 17/18, District Gurugram, Haryana.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 13.02.2024, received a secret information to the effect that some persons sitting in car bearing registration No.DL-5-CV-4123 make Wagon R are involved in drug trafficking. It was informed that they were coming from Delhi to Gurugram and in case of barricading, they could be apprehended along with the contraband. On receiving the secret information, the barricading was laid at the place as



disclosed in the secret information. In the meantime, a car, as disclosed in the secret information was seen coming and the same was signalled to stop. On asking, driver of the car disclosed his name to be Dharmendra and two women sitting in the back seat of the car, disclosed their names to be Devyanti Devi and Sandhya Kashyap. The driver told that he picked the women from New Delhi Railway Station and was to drop at Badshahpur, Gurugram for a fare of Rs.1200/-. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search of Devyanti Devi, two bags were found in a printed pink bag and on search of the same, 6.100 Kg Ganja from one bag and from another bag, 6.174 Kg Ganja were recovered and thus, in total 12.274 Kg Ganja was recovered from her. However, on conducting the search of Sandhya Kashyap, a printed bag was recovered in which two packets were found. In one packet, 6.592 Kg Ganja was recovered and in another, 5.678 Kg of Ganja was recovered and thus, in total 12.270 Kgs Ganja was recovered from Sandhya Kashyap and thus, in total 24.544 Kg of Ganja was recovered in this case. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all the accused were arrested on the spot. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented. During the investigation, complicity of the petitioner surfaced on the basis of disclosure statement of both the women as he being the supplier of the contraband, thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested



on 15.09.2025. The petitioner approached the Court of learned Additional Sessions Judge, Gurugram, praying for the grant of bail. However after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Gurugram, declined the bail application filed by the petitioner vide order dated 21.11.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner was named in the FIR nor any recovery has been effected from him. However he has been implicated in the present case only on the basis of disclosure statement of co-accused, namely, Devyanti Devi and Sandhya Kashyap as he was the supplier of the recovered contraband, which is not even an admissible evidence. He has further submitted that the investigation in the present case stands concluded and supplementary challan has been presented before the learned trial Court. He has further submitted that out of total 29 prosecution witnesses, no witness has been examined till date. He has submitted that the petitioner is behind bars since the date of his arrest, however there is no material progress in the trial. He has further submitted that co-accused, namely, Devyanti Devi and Sandhya Kashyap, from whom the recovery has been effected in the present case, have already been granted bail by a Coordinate Bench of this Court vide orders datd 20.11.2024 and 22.01.2025 passed in CRM-M-42853-2024 and



CRM-M-58891-2024, respectively. He has submitted that the petitioner is not involved in any other case under the NDPS Act and he has clear antecedents. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been duly established during the investigation as he was the supplier of the recovered contraband. He has submitted that on due compliance of provisions of NDPS Act, the recovery has been effected in the present case from the co-accused, namely, Devyanti Devi and Sandhya Kashyap. He has submitted that as per the FSL report, the contraband weighing 24.544 Kgs of Ganja was recovered, which is a commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that the investigation is complete, the challan stands presented, however the trial is at threshold. He has further submitted that after having been arrested and brought on transit remand, he escaped from the lawful custody at Khurda Road Railway Station, leading to registration of separate FIR under Section 224 of IPC and thereafter, despite issuance of warrants, he remained untraceable and was later on declared as proclaimed offender on 16.02.2025. He has thus submitted that no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.

5. Heard.



6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been named in the present FIR on the basis of disclosure statement of co-accused as he was the supplier of the recovered contraband. The contraband weighing 24.544 Kgs Ganja was recovered in the present case from the co-accused, which falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has suffered an incarceration of 04 months and 25 days as on 09.02.2026. The petitioner after having been arrested and brought on transit remand, escaped from the lawful custody at Khurda Road Railway Station, leading to registration of separate FIR under Section 224 of IPC and thereafter, despite issuance of warrants, he remained untraceable and was later on declared as proclaimed offender on 16.02.2025. Investigation is complete, supplementary challan has been presented, however the trial is at threshold.

7. Keeping in view the above said position, this Court does not find any ground to release the petitioner on bail at this stage. Hence, the present petition stands dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.02.2026

rittu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE