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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-72978-2025

Date of decision: 20<sup>th</sup> February, 2026

Sachin Mishra @ Vishal

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. R.K. Samyal, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.118, dated 03.09.2025, registered under Sections 22(c) and 29 of the NDPS Act, at Police Station Sector-9, Ambala City, District Ambala.

2. As per the allegations, on 03.09.2025, on the basis of a secret information to the effect that accused Joginder Kumar was engaged in the business of sale of narcotic substances and could be apprehended with a large quantity thereof, if a raid was conducted, a raiding party was formed, which reached at the informed place and apprehended accused Joginder Kumar, from whom 552 capsules of Tramadol salt weighing 378 grams were recovered.

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The same were taken into custody. He was formally arrested.

3. As per the further allegations, on interrogation, accused Joginder Kumar suffered disclosure statement to the effect that he had purchased the contraband from co-accused Vijay Kumar, who was also arrested. In pursuance of his disclosure statement, the present petitioner was nominated as an additional accused and was arrested on 07.09.2025. He suffered disclosure statement to the effect that he was running a medical store. The accused Vijay Kumar used to purchase intoxicating capsules from him frequently and some days back also, he had purchased ten boxes of intoxicating capsules Proxiohm spas from him at the rate of Rs. 2000/- per box. He also disclosed that he had purchased those capsules from accused Rohit. Accused Rohit was nominated as such. Subsequently, some other accused were also arrested. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He has clean antecedents. No recovery has been effected from him. The rigors of Section 37 of the NDPS Act are not attracted qua him. Trial will take time to conclude. No useful purpose would be served by detaining him in custody anymore. Co-accused Vinay Oberai @ Bunty and Rajat Gogia have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. With these broad submissions, it is urged that the petition deserves to be allowed.

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5. *Per contra*, learned Sate counsel has argued that the allegations against the petitioner are quite serious in nature. His complicity in the crime stands established from the fact that an amount of Rs. 8000/- from his bank account has been credited in the bank account of mother of the co-accused Rohit on 05.09.2025 i.e. two days after the incident thereby showing that there were transactions qua purchase/sale of intoxicating capsules between them. The petitioner was an important link in the chain involved in the supply/sale of contraband. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have supplied the contraband to the co-accused Rohit which was ultimately recovered from the co-accused Joginder Kumar. The respondent-State has relied upon some bank transaction which took place from the bank account of the petitioner claiming that an amount of Rs. 8000/- which was the drug money that had been transferred in the account of mother of the co-accused Rohit. It is a matter of trial and only on thorough assessment of the evidence to be adduced during trial any conclusion as to the fact that the present petitioner was involved in the business of contraband along with the co-accused, can be drawn. The well settled proposition of law is that the disclosure statement made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by

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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. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the NDPS Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since long. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the

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concerned IO/SHO.  
(v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.
10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

20<sup>th</sup> February, 2026  
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |