



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

218+293

1)

CRM-M-6003-2026
Decided on : 08.04.2026

Naresh Kumar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

2)

CRM-M-15103-2026

Ajay @ Potor

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rohit Khanna, Advocate,
Mr. Rohit Chandel, Advocate, and
Mr. Rambir Bhardwaj, Advocate
for the petitioner(s) (in CRM-M-6003-2026).

Mr. Amit Choudhary, Advocate
for the petitioner(s) (in CRM-M-15103-2026).

Mr. Harshit Joon, Advocate and
Mr. Tanmeet Singh, Advocate
for complainants/respondents No.4 to 6.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-6003-2026 and CRM-M-15103-2026, as all the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-6003-2026.

2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Naresh Kumar (petitioner in CRM-M-6003-2026)	334	23.11.2025	21 C-61-85 of NDPS Act, 1985 and 111(6) of BNS, 2023	Bawal	Rewari
Ajay @ Potor (petitioner in CRM-M-15103-2026)	334	23.11.2025	21 C, 61 & 85 of NDPS Act, 1985 and [S. 111(6) of BNS, 023 added later on]	Bawal	Rewari

3. As per the case of the prosecution, on the basis of secret information regarding involvement of main accused Zorawar Singh in dealing of smack, a raid was conducted and thereupon, from his possession, 304 grams of smack was recovered. After arrest of said accused Zorawar Singh, his disclosure statement was recorded and as per the same, said smack was delivered to him by another accused Sunny, and it was to be delivered further to other co-accused, namely, **Naresh** (petitioner in **CRM-M-6003-2026**), **Ajay @ Potor** (petitioner in **CRM-M-15103-2026**), Rahul and Ashok. Accused Sunny, who allegedly supplied the said smack to Zorawar Singh, was also arrested and at present, he is inside the jail.

4. Learned counsel for the petitioners argues that as per the disclosure statement, which is inadmissible in evidence, part of the recovered narcotic substance was to be delivered to four other accused, namely Naresh, Ajay @ Potor, Rahul and Ashok, who were named subsequently. Until the recovered contraband is actually delivered to the petitioners or further to any other person, it cannot be presumed that they are liable to be treated as accused under the provisions of the NDPS Act.

5. It is further submitted that petitioner Naresh (in CRM-M-6003-2026) had allegedly paid a sum of Rs.10,000/- in expectation of receiving a share in the narcotic substance, which was yet to be delivered. However, there is no substantive material brought on record to show as to how the said amount was paid and whether it was paid for the said purpose. Similar is the

position qua the other petitioner Ajay @ Potor (in CRM-M-15103-2026).

Petitioner – Naresh is inside the jail since 24.11.2025 and petitioner – Ajay @ Potor is inside the jail since 14.01.2026. Petitioner – Naresh is not involved in any other case under the NDPS Act or any other criminal law, whereas, petitioner – Ajay @ Potor is involved in three other cases; however, in all such cases, he is on bail at present.

In view of the aforesaid submissions, it is contended that no *prima facie* case is made out against the petitioners under the provisions of the NDPS Act and their implication is solely based upon disclosure statements, which are not admissible in evidence. Accordingly, it is prayed that the petitioners be extended the concession of regular bail.

6. On the other hand, learned State counsel opposes the prayer for grant of regular bail to the petitioners and submits that the recovery effected in the present case is of commercial quantity and rigours of Section 37 of the NDPS Act are attracted. It is argued that the contraband in question was part of a larger chain of supply and the petitioners have been specifically named in the disclosure statements of the co-accused, which clearly points towards their involvement in the offence.

He further submits that the investigation has revealed that the petitioners were to receive the contraband and, therefore, they were part of the conspiracy in the trafficking of narcotic substance. It is thus contended that in view of the seriousness of the offence and the statutory bar contained under the NDPS Act, the petitioners do not deserve concession of regular bail.

6. I have heard learned counsel for the parties and perused the material available on record.

7. In the present case, recovery of 304 grams of smack has been

effected from the main accused Zorawar Singh, which falls within the category of commercial quantity. However, case of the prosecution *qua* the present petitioners is based upon disclosure statements of the co-accused and there is no recovery effected from the petitioners. The alleged role attributed to the petitioners is that they were to receive part of the contraband, which admittedly was not delivered to them.

At this stage, whether petitioners can be said to be part of the alleged conspiracy or had conscious possession of the contraband, would be a matter of trial. There is no material on record to *prima facie* show that the petitioners were in actual possession of the recovered contraband or that any recovery has been effected from them.

Further, it is also noticeable that petitioner – Naresh is inside the jail since 24.11.2025 and petitioner – Ajay @ Potor is inside the jail since 14.01.2026. Petitioner Naresh is not involved in any other case, whereas petitioner Ajay @ Potor, though involved in other cases, is already on bail in those matters.

In the given facts and circumstances, and keeping in view the nature of allegations and role attributed to the petitioners, this Court is of the considered view that the rigours of Section 37 of the NDPS Act do not operate as an absolute bar to the grant of bail to the petitioners at this stage.

8. Without commenting upon the merits of the case, and considering the overall facts and circumstances, this Court deems it appropriate to extend the concession of regular bail to the petitioners.

Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in

any other case.

9. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. **Petitions stand disposed of.**

Pending misc. application(s), if any, also stand disposed of.

Photocopy of this order be placed on the files of other connected cases.

(SANJAY VASHISTH)
JUDGE

April 08, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*