

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

Date of decision: 09.04.2026

VIKAS HANDA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Amit Shukla, DAG Punjab.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.196 dated 02.08.2025 registered under Sections 22(c), 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) at Police Station Gate Hakima, District Amritsar City.

2. On 14.01.2026, the following order was passed by Co-ordinate Bench of this Court:

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of petitioner	FIR No.	Date	Sections(s)	Police Station	District
Vikas Handa	196	02.08.2025	22(c), 25 of NDPS Act (Section 29 of NDPS Act added later on)	Gate Hakima	Amritsar City



2. *Learned counsel for the petitioner, inter alia, contends that as per the allegations, while members of the police team were present on Street Roopnagar Main Road in connection with patrolling and checking of bad elements, one Activa scooter bearing registration No.PB-02-BP8968 was seen coming from Bhagtawala Chowk towards Gate Hakima. The said Activa was being driven by a person with trimmed hair. Upon interception by the police team, the rider was apprehended and from the boxes carried on the Activa, 35,000 tablets of Tramadol Hydrochloride USP (Clovidol 100 SR), bearing batch No.MT-1028, were allegedly recovered. The tablets were stated to be contained in 70 boxes kept in a black-coloured bag.*

On inquiry, the apprehended person disclosed his name as Vicky alias Vikram and further stated that the said tablets had been collected by him from an unknown person at the behest of one Lali Handa. Upon further investigation, the police allegedly found that Lali Handa is also known as Vikas Handa (petitioner herein). Broadly speaking, case of the prosecution is that tablets were collected by the co- CRM-M-1025-2026 -2- accused Vicky alias Vikram at the instance of the petitioner and were recovered before being delivered to him.

3. *Learned counsel for the petitioner submits that, in fact, no material or evidence has been collected by the investigating agency to establish any nexus or relationship between the petitioner and the coaccused Vicky alias Vikram, from whom the alleged recovery has been effected. It is further argued that the bag containing the boxes was merely found lying on the footrest of the Activa and not in the conscious possession of the petitioner.*

4. *It is further contended that there is no telephonic conversation or any other form of communication, either at or prior to the time of the alleged recovery, between the petitioner and co-accused Vicky alias Vikram. Learned counsel also submits that petitioner has been falsely implicated in another case as well, wherein no recovery has been effected from him. In the said case, vide order dated 21.08.2025 passed in CRM-M-45510-2025, this Court has already granted the concession of interim anticipatory bail to the petitioner, and the matter is now listed for consideration on 28.01.2026.*

5. *Notice of motion.*

6. *On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*

7. *Adjourned to 28.01.2026.*



8. *To be heard along with CRM-M-45510-2025.*

9. *Meanwhile, petitioner shall not be arrested. However, issue of joining of investigation by the petitioner would be examined on the next date of hearing, after reviewing the status report, which is yet to be filed by learned State counsel."*

3. On the other hand, learned State counsel has already filed the status report and relying upon the same has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature as he has been specifically named by the co-accused as supplier of the recovered contraband. He further submits that the petitioner has not approached this Court with clean hands and got the concession of interim bail by submitting that the petitioner has no connection with the co-accused Vicky @ Vikram either through telephonic conversation or any other form of communication either at or prior to the time of recovery. However, during investigation it is forthcoming that there are CDRs connecting the petitioner with the co-accused namely Vicky @ Vikram. He has further argued that custodial interrogation of the petitioner is required for fair and proper investigation and to reach the origin of the contraband recovered in the case. He further submitted that the petitioner is involved in one more case of NDPS Act meaning thereby he is a habitual offender.

4. Heard.

5. In the present case, the allegations against the petitioner are serious in nature and he has been nominated as supplier of the recovered contraband. Apart from the disclosure statement there are CDRs between



investigation so far points towards deeper probe for which custodial interrogation of the petitioner is required.

6. There is steady increase in smuggling of illicit drugs these days. The increasing instances of drug smuggling in India pose a grave threat not only to the security of the nation but also impacts the youth of the nation. Considering the gravity of the allegations, the custodial interrogation of the petitioner is required for fair and effective investigation in the matter and to bust the drug nexus.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma', (1997) 7 SCC 187**, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught



with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

8. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

9. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

09.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No