

2025:PHHC:139640



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

106

**CRM-M-55674-2025 (O&M)
Date of decision: 08.10.2025**

Maunis

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Utsav Singh Bains, Advocate (through VC) and
Mr. Akash Yadav, Advocate
for the petitioner.

Mr. Apoorv Garg, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory
bail to the petitioner in FIR No. 80 dated 05.03.2025, registered under Sections
20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act,
1985 (*for short 'NDPS Act'*) at Police Station City Sohna, District Gurugram.

2. Brief facts of the case relevant for the disposal of the present
petition are that on 05.03.2025, on the basis of a secret information, an
abandoned car bearing registration number DL-4C-AQ-1574 was found lying
behind a temple. On search of the said car, 196 kgs. 320 grams of Ganja was
recovered from the boot of the said car, which was kept in 100 different sealed
plastic packets. After registration of the FIR, investigation proceedings were
initiated. During the course of investigation, one Mohammad Arif, who was

2025:PHHC:139640



the registered owner of the said vehicle, was arrested on 16.04.2025. He suffered disclosure statement to the effect that he came in contact with the petitioner, who was involved in illegal business of contraband. He had given his aforementioned car to the petitioner for the smuggling of contraband and in lieu thereof, he used to give him an amount of Rs.25,000/- per month. He further disclosed that he had sent his brother-in-law Abdul Samad, one Nasir and Soyab to Delhi in his car. On the basis of his disclosure statement, co-accused Abdul Samad, Nasir and Soyab were nominated as such. Co-accused Abdul Samad was arrested on 16.04.2025. He demarcated the place, where he had left the above said car. Subsequently, co-accused Nasir Ahmed was also arrested on 30.04.2025. They suffered disclosure statements to the effect that the petitioner had hired them as driver on the aforesaid car and used to give them monthly salary. Co-accused Nasir further disclosed that he along with co-accused Abdul Samad and Soyab had brought the recovered contraband band from Andhra Pradesh in the said car for a sum of Rs. 12 Lakhs, which was given to them by the present petitioner. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Gurugram but the same had been dismissed, vide order dated 02.09.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor was found at the spot. He has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject crime. No recovery is to be effected from him. He is ready to join the

2025:PHHC:139640



investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel, who has advance notice of the petition and is ready to argue the matter, has submitted that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. His custodial interrogation is required for conducting proper investigation in the matter. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner along with the co-accused is alleged to be involved in smuggling of Ganja and is further alleged to have abandoned the aforesaid car, from which a huge quantity of Ganja was recovered. The petitioner does not have clean antecedents and is shown to be involved in one more case under NDPS Act, apart from two other cases registered against him under the different provisions of IPC including Section 302 of IPC. He seems to be the mastermind of the crime. He is alleged to have given a sum of Rs.12 Lakhs to the co-accused for purchasing the contraband from Andhra Pradesh, which was subsequently recovered from the said car left by the co-accused in an abandoned condition. The allegations against him are quite serious. No sparing or extraordinary circumstance has been made out in his favour for grant of pre-arrest bail. Rather, his custodial interrogation is required for conducting proper investigation and deeper probe in the matter and also for effecting further recovery of the contraband, if any. The well settled proposition of law is that

2025:PHHC:139640



while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

08.10.2025*Wasem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*