

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:140565



234

CRM-M-28641-2025 (O&M)

Date of decision:09.10.2025

Manoranjan @ Manoranjan Yadav

...Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

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 bearing FIR No.183 dated 15.06.2024, registered under Section 15(c) of the NDPS Act (offence under Section 29 of the NDPS Act was added lateron), at Police Station Mundkati, District Palwal.

2. As per the allegations, on 15.06.2024, a police party headed by ASI Jamshed Ali was present at old toll barrier, village Tumsara for crime detection and patrolling duty when a secret information was received that a truck bearing registration No.HP-67-A-4805 was going from that area towards Punjab side while carrying narcotic substance (chura post) and if a barricade was set up, the driver and conductor thereof could be apprehended

alongwith the contraband. Believing the secret information to be true, a raiding party was immediately formed. Intimation was sent to the police station. A barricade was laid. Sometime thereafter, the above mentioned truck reached at the spot. When a signal was given to its driver to stop, he jumped out of the vehicle and managed to flee but the conductor was apprehended. On asking, he disclosed his name as Gursharan Singh and also disclosed the name of the driver as Pappu Singh @ Pappi. On conducting search, 31 gunny bags containing chura post were found kept in the rear portion of the truck. On weighing, the total weight including the bags came to be 593.500 kgs. The same were taken into possession. Investigation proceedings were initiated. The accused Gursharan Singh was interrogated and suffered disclosure statement. The registered owner of the truck disclosed that he had sold the vehicle to Gurdeep Singh. Accused Pappu Singh @ Pappi was arrested on 30.08.2024. He too suffered disclosure statement to the effect that contraband belonged to the accused Sinder Pal @ Sinder and it had been purchased by accused Pappu Singh from the present petitioner. The petitioner and accused Sinder Pal @ Sinder were found to be already in custody in some other case. They were joined into the investigation of this case on 14.10.2024. They suffered disclosure statements admitting their involvement in the crime. Apart from that, the call detail record of the mobile phone of the petitioner, co-accused Sinder Pal @ Sinder and Pappu Singh was also collected. Investigation now stands completed.

3. 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. No

recovery has been effected from him. He is in custody since long. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail.

5. This Court has heard rival submissions made by learned counsel for the parties at considerable length.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered.

7. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

8. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused, from whom recovery of commercial quantity of contraband has been effected. As per his disclosure statement, he

had sourced the contraband from the petitioner. In **Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1**, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by 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. The petitioner is stated to be involved one more case under the NDPS Act but he is on bail in that case. He is in custody since 14.10.2024. Challan has been presented. Trial is likely to take considerable 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. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. 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 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.

9. 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.

10. 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.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

09.10.2025
harjeet

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