**CRM-M-33687-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.213****Case No. : CRM-M-33687-2025****Decided On : July 24, 2025**

Bilal Petitioner
vs.
State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. D. S. Matya, Advocate
for the petitioner.

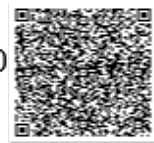
Mr. Pawan Kumar Garg, DAG, Haryana.

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SUKHVINDER KAUR, J. :

Prayer in the present petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of anticipatory bail to the petitioner in FIR No.256 dated 03.05.2025, under Sections 21 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act), registered at Police Station Gharaunda, District Karnal.

The prosecution version, in brief, is that on 03.05.2025, during routine patrolling, one Mehboob @ Booba was apprehended by the police party along with his (without number plate) motor-cycle, who tried to flee on seeing the police party. When asked for the reason to run away, he admitted to have smack/heroin in his possession. Accordingly, 66.94 grams of smack/heroin was found in a polythene bag, which was recovered from said Mehboob @ Booba. Thereafter, after completing necessary formalities,



the accused along with his motor-cycle, was taken into custody. Hence, the present FIR was registered. During investigation, said Mehboob @ Booba made disclosure statement before the police and named the present petitioner to be supplier of contraband recovered from him. Consequently, raid was conducted at the house of petitioner but he was not found present there. The investigation is still pending against him as he did not join the investigation so far.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case due to previous enmity with aforesaid Mehboob @ Booba, who had wrongly named him in his disclosure statement. He submitted that no other criminal case has been registered against the petitioner and he is ready to join the investigation. Learned counsel further urged that the petitioner is not required for any interrogation and no recovery is to be effected from him. It has, therefore, been prayed that the petitioner be granted concession of anticipatory bail.

Notice in this case was issued on 02.07.2025 by a Coordinate Bench of this Court and Status Report was called from the State, which has been filed on the last date of hearing.

Learned State counsel has opposed the present bail petition and has contended that the petitioner had been indulging in the business of purchasing and selling the narcotics substances. He is alleged to be supplier of the contraband, allegedly recovered from co-accused Mehboob @ Booba. So, custodial interrogation of the petitioner is required to trace the origin, from where the contraband was brought and for fair investigation of the present case. Hence, prayer for dismissal of the present petition has been



made.

I have heard learned counsel for the parties and have also gone through the case file.

Initially, the petitioner was not named in the present FIR. Recovery of 66.94 grams of smack/heroin was allegedly effected from co-accused Mehboob @ Booba. No recovery has been effected from the petitioner in the present case. Besides disclosure statement of co-accused, no other material has been placed on record to connect the petitioner with the offence in the present case. In the Status Report, it has been mentioned that the alleged motor-cycle, without number plate, was given to the accused namely Mehboob @ Booba by the present petitioner but as no record of ownership of said motor-cycle could be traced, so, this motor-cycle cannot be connected with the petitioner. No 'Call Detail Record' (CDR) or any other material has been produced regarding involvement of the petitioner in the present case being supplier of the contraband, allegedly recovered from the co-accused. The petitioner is not having any criminal antecedents and no other criminal case has been registered against him. Custodial interrogation of the petitioner is not required for any purpose and nothing is to be recovered from him. So, no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner is ordered to be released on bail, on furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating

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Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard. The petitioner shall also abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

July 24, 2025*monika***(SUKHVINDER KAUR)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>