

2025:PHHC:055935



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

**CRM-M-16626-2025
DECIDED ON: 30.04.2025**

MUKESH MALIK

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. K.D.S. Hooda, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

This petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail in FIR No.0633 dated 17.12.2024 under section 22 (C) of NDPS Act, 1985, registered at Police Station City Hisar, District Hisar.

2. Facts

Brief facts of the case as narrated in the FIR read as under:-

“Brief facts of the prosecution case are, that on 17.12.2024, a police team led by ASI Hem Raj was present near Bus Stand, Hisar, when a secret information was received that Mukesh son of Mohan Lal, resident of Multani Chowk, Hisar, was trying to supply narcotic drugs near Nagori Gate, Hisar. Finding the information reliable, intimation under Section 42 of NDPS Act was sent to the Senior officers and the police party proceeded for the spot indicated by the secret informer

i.e. Chhabra Fresh Juice Corner, Hisar. There, they found a fat individual wearing black lower and blue jacket with a black polythene bag in his hand. On seeing the police party, the individual started moving swiftly. He was apprehended by the police party and on inquiry, he revealed his name as Mukesh Malik. He was taken to police control post, situated 15-16 steps away to avoid the traffic. Necessary formalities under the NDPS Act were completed and thereafter, in presence of Sh. Baru Singh, ETO, 11 bottles of Tossex Raspberry Flavour, Triprolidine Hydrochloride Codeine Phosphate Cough Syrup, Batch No. TWB24033, MFG date Oct. 2024, Expiry dated Dec. 2025, MRP 226.02, RS, Manufactured by Abbott Healthcare Pvt. Ltd. Village Bhatauli Khurd, PO Baddi, District Solan (HP), were recovered from the black polythene bag, being carried by Mukesh Malik. On measurement, the bottles were found to be 100 ml. each and as such the total volume of the narcotic substance was 1100ml. The accused could not produce any licence or permit for possession of narcotic substance. He was formally arrested. The case property were sealed in a separate parcel. The accused and the case property was produced before learned Magistrate Area/Duty inventory proceedings and the were completed. Investigation was still pending.”

3. Contentions:

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as he is working as a salesman om the chemist shop of his brother, which is being run under the name and style of M/s National Medical Hall, Nagauri Gate, Hisar and the said 11 vials were purchased from Iqbal Agencies, Shop No.1, Drug Street through proper bills. In support of his argument, he has placed on record the invoices bearing No.(A)19256 dated 17.12.2024, (A)18989 dated 13.12.2024, (A)18343 dated 04.12.2024 (A)18480 dated 06.12.2024 (Annexure P-2 collectively).

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for 4 months and 10 days. She does not controvert the submissions made by learned counsel for the petitioner.

4. **Analysis**

Considering the fact that the petitioner has suffered incarceration of 4 months and 10 days and is a person of clean antecedents, as he is not involved in any other case, as is evident from the perusal of the custody certificate and the fact remains that his brother is running a chemist shop for which these products along-with other medicine was being carried by the petitioner, this Court is of the view that the present petition deserves to be allowed.

5. **Relief**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

30.04.2025

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*