

2025:PHHC:077599



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

**CRM-M-33823-2025 (O&M)  
DECIDED ON: 02.07.2025**

**MARDAAN**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Pardeep Chhoker, Advocate and  
Mr. Najim Khan, Advocate  
for the petitioner.

Mr. Chetan Sharma, DAG Haryana

**SANDEEP MOUDGIL, J (ORAL)**

**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 48 dated 21.03.2025, u/s 21C, 61 of NDPS act registered at Police Station City Nuh, District Nuh.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*“Contents are:- TO SHO P.S. city Nuh, Dist. Nuh. Jai Hind. Today on 20.03.2025 I, SI Kamal No. 37/Nuh with Constable Upender No. 1197/Nuh, Constable Ravinder Singh No. 884/Nuh, are present at Jhanda Park Nuh, in Government Vehicle ISUZU No. HR-05-GV-8515 whose driver is Constable Ismail khan. No. 872/Nuh for patrolling and Prevention of the crime at around 7:30 PM. Secret Informer met me and provided secret*

information that Imu alias Imran son of Israil resident of Vill. Khedla PS City Nuh Distt. Nuh works as a smack seller and today also, he is still waiting for someone to sell smack on his village kabristan. If raided immediately reached near Khedla kabristan then Imu alias Imran can be caught along with Smack. Believing the information to be credible, the people visiting Jhanda park Nuh I, SI requested the people coming and going on the spot to join the raiding party or to be witnesses, but all the people left the spot expressing their compulsion. I, SI prepared a written notice to under section 42 NDPS act to inform the higher authorities and the incharge of police station Nuh informed about the information and sent a report to city police station Nuh with the report registered under Sub Inspector no. 1197/Nuh. I SI informed fellow police employee about the information, when I along with the informant and companions reached near Jhanda park in Nuh, a person is standing in the front of light of the govt. vehicle. the informer, while sitting in the government vehicle, pointed to a boy standing is Imu alias Imran son of Israil Vill Khedla PS Nuh Distt. Nuh. I SI stopped the government vehicle near the boy as told by the informant inquired about his name or address who disclosed that his name is Imu alias Imran son of Israil Vill Khedla PS city Nuh Distt. Nuh. I SI prepared notice under section 50 NDPS ACT and read it to Imu alias Imran and informed him that you are suspected to be in possession of narcotic drugs. You have the legal right to have your search done by a magistrate or by a Duty Magistrate,. You are given time to think and understand. Accused Imu alias Imran and the witness signed Notice that under section 50 NDPS ACT and accused Notice that under section 50 NDPS ACT gave his consent that he wants to have his search done by a Duty Magistrate,. Consent form of accused Imu alias Imran was prepared separately and accused Imu alias Imran and the witnesses appended their signatures. I, SI called to Duty Magistrate, Rajesh kumar Coach Athletic, District Sports Department Nuh at 08:15 PM from his personal mobile number 99924-28000 for informing about the facts and coming to the spot near kabristan Khedla village. At around 8:10 PM Constable Upender no. 1197/Nuh brought the copy report number 35 dated 20.03.2025 to the police station Nuh and presented it which was kept. After calling and informing about the situation, the Duty Magistrate, Rajesh kumar Coach Athletic, District Sports Department Nuh came to the spot in his private car no. HR 16 V 8282 white colour Creta at 09.30 PM and the SI informed the

*Duty Magistrate, about the situation and presented a notice under Section 50 NDPS ACT, consent letter and produced the accused Imu alias Imran and witnesses. The Duty Magistrate, SEEN the notice u/s 50 NDPS ACT and the consent letter by telling her identity to the accused Imu alias Imran. The g Duty Magistrate, questioned the witnesses separately and conducted a personal search of the SI. Apart from the daily necessities, nothing was recovered from the SI. A search memo was prepared regarding the recovery, which was signed by the SI and the witness and attested by the Duty Magistrate,. According to the order of the Duty Magistrate, the SI conducted the search of the accused Imu alias Imran son of Israil, resident of vill Khedla PS City Nuh Distt. Nuh. During the search, he found a black polythene in the left pocket of dark blue colour Jeans Imu. When he opened and checked, a white colour narcotics substances was found inside the black polythene. The narcotics substance recovered is Smack, according to my and duty magistrate experience. The recovered drug Smack along with polythene was weighed with digital weighing scale and the total weight was 297 Grams. Identity memo of narcotic substance was prepared which was signed by the accused Imu alias Imran and the witness. The Duty Magistrate, attested the identity memo of narcotic substance and then the SI weighed heroin along with polythene using mobile Kaanta which came to be 297.0 grams. That the recovered Smack was put in the plastic box with foil and cloth memo was prepared and SI stamped the cloth memo of Smack with his stamp and Duty Magistrate stamped it with his stamp TC. Sample seal was prepared separately and SI after using his stamp gave it to Constable Ravinder Singh No. 884/Nuh and Duty Magistrate, kept his TC stamp with him after use. Palanda Chita Smack or sample seal as proof of this, a separate police authority was taken by receiving the list. On receiving the list, the accused or the witness. Due to technical problem in e-evidence in my mobile phone, there was delay in uploading it again later. Time around 10:13 PM, videography was started on the basis of e-evidence of the spot. List of receipts Palanda Chita/Smack or sample. This has also been verified by the duty magistrate sahab. The above mentioned accused Imu alias Imran has 297 gram Chita/Smack in his possession. By keeping the drug Chita/Smack, the crime under section 21C-61-85 of NDPS Act has been committed. On which the SI is sending a written complaint to the police station via Constable Upender No. 1197/Nuh for registration. The case number be informed after registration. Special report of the case to be*

*sent to the concerned officers and for further investigation in the case, as per the order of Higher Officials. SD/ Kamal SI No. 37/Nuh.”*

3. **Contentions**

**On behalf of the petitioner**

Counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case merely on the basis of disclosure statement of co-accused Imran @Immu. He further contends that the contraband in question i.e 270 grams of heroin has not been recovered from the conscious possession of the petitioner.

Notice of Motion

**On behalf of the State**

Learned State counsel who is present in the court accepts notice on behalf of the state-respondent and at the very outset opposes the grant of bail to the petitioner by submitting that the petitioner has been roped in the instant FIR on the basis of disclosure statement of co-accused Imran @ Immu who has stated that the contraband in question was purchased from the petitioner therefore his custodial interrogation is required at this stage to unveil the nexus of drug peddling. It is further submitted that the petitioner is a habitual offender, as he is involved in another FIR No.23 dated 31.01.2025 under Sections 31-B and 27 of NDPS Act, registered at Police Station City Nuh.

4. **Analysis**

The case in hand pertains to the fact that on 20.03.2025, co-accused Imran @ Immu son of Israil, resident of village Khelda, District Nuh was arrested on the basis of secret information and 297 gms Heroin/Smack was recovered from his possession. During interrogation, he suffered disclosure statement and

disclosed that he had purchased the contraband in question from Mardaan (present Petitioner).

With deep concern, this court has time and again pointed out the clandestine smuggling of narcotic drugs and psychotropic substances which have led to drug addiction among sizeable section of the public, particularly adolescents and students and this menace has assumed serious and alarming proportion in the recent times. This rising concern of drug peddling needs an efficacious solution. To effectively address the drug menace caused by rapid drug smuggling, the concerned State Government should develop integrated policies that addresses the root cause of drug abuse, incorporating health, education and social welfare sectors. At this stage, it would be apposite to understand Article 47 of the Constitution of India which is read as under:-

*“47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health-*

*The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health”.*

A glimpse at Article 47 of the Constitution of India(One of the Directive based on Socialistic Principles) makes it ample clear that it is the for the state to look into the improvement of public health and the prohibition of harmful substances. Moreover, while addressing the objectives of the NDPS Act, the Hon'ble Supreme Court in the case of ***Durand Didier v Chief Secretary, Union Territory Of Goa (1990) 1 SCC 95*** emphasized that the rampant issue of clandestine smuggling and illegal trafficking of drugs and substances has led to

widespread drug addiction, particularly among adolescents and youth. This has had a harmful and devastating impact on society.

Coming to the instant petition, taking into consideration the expanding network of drug peddlers and facts of the case wherein the total quantity involved is 297 grams of heroin which is commercial in nature and the petitioner being the alleged supplier of the contraband added with the fact that his antecedents are not clean by being involved in another FIR No.23 dated 31.01.2025 under Sections 31-B and 27 of NDPS Act, registered at Police Station City Nuh, does not deserve the concession of anticipatory bail.

5. **Relief**

In the light of above stated facts and the law discussed along with the prevailing conditions, the court is of the considered view that the petitioner does not deserve the concession of the regular bail. Hence, the instant petition stands dismissed being devoid of merits.

However, it is made clear that the observations made herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

Ordered accordingly.

(SANDEEP MOUDGIL)  
JUDGE

02.07.2025

*Meenu*

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No