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AT CHANDIGARH**

**CRM-M-46813-2025  
Date of decision: 24.09.2025**

SURAJBHAN

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present:     Mr. Karandeep, Advocate for  
              Mr. Randeep S. Dhull, Advocate  
              for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

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**YASHVIR SINGH RATHOR, J. (Oral)**

1.            This is the first petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.268 dated 07.09.2022 registered at Police Station Sadar Ratia, District Fatehabad under Sections 20(C) of NDPS Act and Section 201 of IPC.

2.            Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3.            In compliance of order dated 29.08.2025, status report by way of an affidavit of Nar Singh, HPS, Superintendent of Police, Ratia, District Fatehabad, filed on behalf of the State is taken on record.

4.            Brief facts of the prosecution case are that on 07.09.2022, ASI Richhpal Singh received a secret information that Surajbhan (petitioner) along with co-accused Sachin @ Shishan and Suresh Kumar



is involved in the sale of narcotic substances, which is transported in one Eicher truck bearing registration No.PB-03-BC-3939 and the said truck is escorted by Surajbhan (petitioner) from a Mahindra XUV car parked nearby. If a raid is conducted, they can be apprehended red-handed. A raid was conducted and co-accused Sachin @ Shishan and Suresh Kumar were apprehended by the police party and 210 kg Ganja was recovered from 15 plastic bags loaded in the truck and car. In their disclosure statements, they disclosed the name of Surajbhan (petitioner), as the main conspirator.

5. Learned counsel for the petitioner argued that he has been falsely implicated in the present case. His name has cropped up in the disclosure statements of co-accused Sachin @ Shishan and Suresh Kumar, which are not admissible in evidence. No contraband has been recovered from the possession of the petitioner. Challan has already been presented after completion of investigation. Learned counsel further contended that since no recovery has been effected from the petitioner, the rigors of Section 37 of NDPS Act are not attracted and petitioner, thus, be released on bail.

6. On the other hand, learned State counsel has opposed the bail and argued that the petitioner is the main supplier of contraband and in view of the gravity of offence, he does not deserve the concession of bail.

7. A Co-ordinate Bench of this Court in *Anshul Sardana versus State of Punjab*, passed in CRM-M-65094-2024 (2025:PHHC:004198), after relying upon the law laid down by the Hon'ble



Supreme Court in Tofan Singh versus State of Tamil Nadu, AIR 2020 Supreme Court 5592; Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau, 2024 INSC 290; State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.', 2022 (1) RCR (Criminal) 762; and Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023, has held thus:

*"6.3 It is a well established principle of law that a confession made by a co-accused under Section 67 of the NDPS Act is inherently a very weak piece of evidence. Such statement(s), by themselves, cannot form the sole basis for the conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. Moreover, no recovery has been effected from the possession of the petitioner, who has been subsequently implicated as an accused solely on the basis of disclosure statement of the co-accused. However, as regular bail pertains to life and liberty of individual, Courts are obligated to strike a balance between safeguarding personal liberty and ensuring the effective administration of justice as also investigation. The final evidentiary value and admissibility of the disclosure statement made by a co-accused fall within the domain of the trial Court and are to be adjudicated during the course of the trial in accordance with established principles of law.*

*However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role*



*attributed to the petitioner in the commission of the alleged offence. A prima facie examination of these factors is essential to ensure that the process of law is not misused, abused or misdirected."*

8. Petitioner is in custody since 23.12.2023 and his name has cropped up in the disclosure statements of co-accused Sachin @ Shishan and Suresh Kumar, who were apprehended along with the contraband. As per their disclosure statements, the petitioner is the main conspirator of the contraband and thereafter, the petitioner was arrested. Nothing has been recovered from his possession and at this stage, there is no material to connect him with the alleged offence except disclosure statements suffered by co-accused. As to how much evidentiary value will be attached to the said disclosure statement will be seen during the trial. Trial is likely to take sufficiently long time to conclude and no useful purpose will be served to detain the petitioner in custody.

9. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

10. Pending misc. application(s), if any, shall also stand disposed of.

**(YASHVIR SINGH RATHOR)**  
**JUDGE**

**24.09.2025**  
Priyanka Thakur

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No