

155 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-20056-2025

Date of Decision:09.04.2025

BANSI LAL

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.  
Mr. B.S. Virk, Senior DAG, Haryana.

**SANDEEP MOUDGIL, J. (Oral)**

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.373 dated 15.12.2023, under Section 18 (c) and 27-A of NDPS Act, 1985 registered at Police Station City Ratia, District Fatehabad.

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

*To the SHO, City Police Station Ratia, Jai Hind. Today 1 Sub Inspector along with Assistant Sub Inspector Roshan Lal No. 116/Fatehabad along with personal laptop and printer, government vehicle No. HR 05 GV 2811 driver EHC Gurindpal Singh No. 430/Sirsa after investigation case no. 485 dated 27-11-2023 section 20C-61-85 NDPS ACT police station Bhuna Haryana State Narcotics Control Bureau unit Fatehabad office police line Fatehabad and starting from Bhuna Uklana, Bada Basti Tohana Road Narwana via Farain Kala, Samain, Pirthala, Parata, Saniyana Bhuna, reached main street city Ratia in front of power house Ratia, in city Ratia for prevention of narcotics, then a person wearing white kurta pyjama and khaki color jacket was seen coming from the direction of power house, who on coming*



*closer seeing the government police vehicle coming in front, suddenly turned left and started running with fast steps. I stopped the government vehicle and with the help of a fellow employee, I caught hold the person and after giving his full introduction, I asked his name and address. The arrested person told me his name as Rajendra son of Satpal son of Mokh Ram resident of Badopal district Fatehabad. I suspected that he was carrying some narcotic substance, so I gave a notice under section 50 NDPS Act in writing that I. Sub Inspector Mahabir Singh No. 90/Fatehabad Haryana State Narcotics Control Bureau Unit Fatehabad, suspect that you are carrying some narcotic substance. On which it is very important to conduct your personal search. You have the legal right that if you want your personal search to be done in front of a magistrate or a gazetted officer, then any one of them can be called on the spot or you can be taken and presented in front of them for search, you give your reply in writing. The above person Rajender and the witnesses signed the notice, then the above said person Rajender read and understood the notice and got his consent memo signed that I Rajender son of Satpal son of Mokh resident of Badopal district Fatehabad, have read and understood the notice under Section 50 NDPS Act. I want my personal search to be conducted at the spot in front of a gazetted officer. Therefore, he should be called at the spot for the search. The above said person Rajender and the witnesses signed the notice, then Rajender after reading and understanding of the said notice submitted a reply: That I Rajender S/o Satpal S/o Mokh resident of Badopal Distt. Fatehabad, S.I Mahabir Singh No. 090/Fatehabad Haryana State Narcotics Control Bureau Unit Fatehabad gave notice u/s 50 off NDPS Act and the same has been read over to me and understood by me. That my search shall be conducted in front o or by any Gazetted Officer of Government and therefore the concerned officer shall be called. On the said notice Rajender put his signature and then after enquiry sent notice from my mobile no. 9416780555 at 12.27 PM to District attorney Fatehabad. Appointed gazetted officer Shri Shalendra Singh ETO Fatehabad contacted on mobile no. 7988574052 and informed him about the situation at the spot and requested him to reach the spot, who told that I am out on official work, I cannot come to the spot, in this*



*regard you may contact Shri Larv Kumar ETO Fatehabad whose mobile no. is 9582885855 and call him to the spot. Then I contacted Shri Luv Kumar ETO Fatehabad on mobile no. 9416780555 at 12:30 PM from my mobile no. 9416780555 and informed him about the situation at the spot and requested him to reach the spot, who told that I will reach the spot to meet you, at 1.55 PM gazetted officer Shri Luv Kumar ETO Fatehabad arrived at the spot in official vehicle no. HR220-1368 along with personal staff. I explained the circumstances of the incident to the arrested person Rajender son of Satpal son of Mokh Ram resident Badopal district Fatehabad and presented the notice and reply notice and the witnesses before him. After studying the notice and reply notice, the arrested person Rajender and the witnesses were questioned separately and then instructed me to personally search the arrested person Rajender. When I wanted to involve the drivers, pedestrians and shopkeepers passing by the spot and take action, all the persons expressed their legitimate compulsions and left the spot. When I conducted the personal search of the arrested person Rajender son of Satpal resident Badopal as per the instructions of gazetted officer Shri Luv Kumar ETO Fatehabad, a transparent waxy pouch was recovered from the front inside left pocket of the jacket of khaki colour. When I opened the waxy pouch and checked it, I found opium, an intoxicating substance in it. I weighed the opium pouches with the computer weighing scale kept in the government vehicle and the total weight including the waxy pouch and the transparent one was 256.21 grams. I put the recovered opium along with the waxy pouch and the transparent one in a plastic box and prepared the Parcel of the same and stamped it with my seal MS/3 and prepared the sample seal separately. Gazetted Officer Shri Luv Kumar, ETO, Fatehabad stamped the Parcel of opium along with the sample seal with my seal GS-1/1. I took the Parcel of opium stamped along with the sample seal into police possession as evidence of property through a seizure memo. The accused Rajendra, the above mentioned, and the witnesses signed on the seizure memo. Gazetted Officer Shri Luv Kumar, ETO, Fatehabad verified the Parcel of opium stamped along with the sample seal along with the seizure memo. I kept the sample seal after using, S.S.I. Roshan Lal No. 116/Fatehabad and*



*the gazetted officer Shri Luv Kumar ETO Fatehabad kept the seal with himself after use. During interrogation the accused Rajendra himself told about the recovered opium that he had bought this opium from Bansilal resident of Jodhpur, Rajasthan whose mobile no. is 9001118888 about 9/10 days ago and brought it. The accused Rajendra son of Satpal son of Mokh Ram resident of Badopal district Fatehabad has committed the crime of section 18C/61/85 of NDPS Act by keeping a total of 256.21 grams of opium in his possession and accused Bansilal resident of Jodhpur has sold it to accused Rajendra. Therefore, this ruqa is being written and is being sent to the police station through EHC Gurinderpal Singh No. 430/Sirsa for registering the case. After that the case registered, number of the case may be informed. For further investigation of the case, other competent investigation officer should be sent to the spot. I, along with my fellow employee, accused Rajendra, are present at the spot along with the above mentioned goods. Area: Opposite Bijli Ghar Ratia, Main Gali, City Ratia, Sd-Mahabir Singh SI Sub-Inspector Mahabir Singh No. 90/Fatehabad Haryana State Narcotics Control Bureau Unit Fatehabad Date: 15.12.2023 Time: 3.20 PM, Mobile No. 94167-80555.”*

3. **Contention**  
**On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner has been falsely implicated on the basis of disclosure statement of one Rajender Singh from whom recovery of 256 gms and 21 mgms opium was made. He further submits that neither he was originally named in the FIR nor any recovery has been affected from the petitioner, hence no case for custodial interrogation is made out. Moreover, the petitioner is ready to join and cooperate in the the investigation.

**On behalf of the State**

Learned State Counsel appearing on advance notice, on

instructions from the Investigating Officer, vehemently opposes prayer for grant of concession of anticipatory bail to the petitioner stating that the petitioner is accused of supplying contraband to the co-accused Rajender and his custodial interrogation is necessary. Learned State counsel further states that petitioner is a habitual offender and is involved in other criminal cases and prays for dismissal of the petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, particularly to the effect that petitioner has been falsely implicated on the basis of disclosure statement of one Rajender Singh from whom recovery of 256 gms and 21 mgms opium was made. He further submits that neither he was originally named in the FIR nor any recovery has been affected from the petitioner, moreover, the State Counsel is unable to produce any incriminating material against him before this Court is of the view that custodial interrogation of the petitioner is not required, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

In the light of above, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on



furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

*“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*

*(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*

*(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*

*(iii) a condition that the person shall not leave India without the previous permission of the Court;*

*(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**09.04.2025**

*kv*

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