

2025:PHHC:102283



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

223

**CRM M-40919-2025**

**Date of Decision:07.08.2025**

Rakesh

...Petitioner

Versus

State of Haryana

... Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Kartar Singh, Advocate, for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

**N.S.SHEKHAWAT, J.**

1. The petitioner has filed the instant petition under Section 482 of the B.N.S.S., 2023 with a prayer to grant anticipatory bail in case FIR No.178 dated 16.05.2025 registered under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 27-A and 29 of the NDPS Act and Section 238 of BNS) at Police Station Sadar Fatehabad, District Fatehabad.

2. The FIR in the present case has been registered on the basis of the statement made by Bhupender Singh and the same has been reproduced below:-

*“To, The Station House Officer, Police Station Sadar Fatehabad, Jai Hind. Today, myself Assistant Sub-Inspector Bhupinder Singh No. 113/FTB, along with Assistant Sub-Inspector Raghuveer Singh No. 784/Fate.,*

*EHC Karamveer No. 705/Fateh., Constable Praveen No. 970/Fateh., with my personal laptop and printer, and in official vehicle bearing government number HR 22GV-3993, driven by HKRN driver Krishan Kumar, was present at New Bus Stand Fatehabad for crime prevention. It was there that specific informant; jointly informed me that: Hardeep Singh son of Jagdish Singh, resident Jhunir, Punjab, and Akashdeep, son of Gursewak Singh, resident of Jhunir, Punjab, are transporting poppy husk hidden under onion sacks in a Bolero Pickup bearing number PB23M-6117. They will be coming from Hisar, via Fatehabad, towards Ratia. If a blockade is immediately set up, both the aforementioned individuals, along with the poppy husk, can be apprehended. Since the information was reliable, a report of it was written under Section 42 of the Narcotic Substances Act and sent to the police station through Constable Praveen No. 970 for its entry in the daily diary. After requesting to send the report special to higher authorities through messenger, I, with a fellow official, parked the government vehicle near the NAYARA Petrol Pump on the Fatehabad-Ratia Road. While checking vehicles coming and going, approximately 20 minutes had passed since setting up the blockade with my co-officials, when a white Bolero Pickup bearing number PB23M-6117 was seen approaching from the Fatehabad side. I signaled the driver to stop, but the Bolero Pickup driver stopped the vehicle approximately 15 steps before the blockade point, away from the police party, and started to turn back. However, due to vehicles coming from behind on*

*the road, the vehicle could not be turned back. With the help of my government vehicle co-officials, and I apprehended the vehicle. Two individuals, including the driver, were found in the Bolero Pickup. Upon asking the driver's name and address, he identified himself as Hardeep Singh alias Deep son of Jagdish Singh son of Naib Singh, resident of Boha Road, near Harijan Chaupal, Jhuneer, Punjab. The person sitting on the side seat identified himself as Akashdeep alias Muchri son of Gursewak Singh son of Hakam Singh Fauji, near resident of Boha Road, Harijan Chaupal, Zuneer, Punjab. Suspecting the presence of poppy husk (a narcotic substance) in the possession of both individuals and in the aforementioned vehicle, I gave my detailed introduction and described it in the notice. I then served notice under Section 50 of the NDPS Act to the driver of the Bolero Pickup, Hardeep Singh alias Deep. Myself Sub-Inspector Bhupinder Singh No. 113/FTB Anti Narcotic Cell Fatehabad, hereby inform you Hardeep Singh alias Deep son of Jagdish Singh son of Naib Singh, resident of Boha Road, near Harijan 6117, white in color, conducted by calling a Gazetted Officer to the spot. The items found on my person and in the vehicle belong to me and Akashdeep alias Muchri son of Gursewak Singh son of Hakam Singh Fauji, resident of Boha Road, near Harijan Chaupal, Zuneer, Punjab." Consequently, a notice under Section 50 of the NDPS Act was issued to Akashdeep alias Muchri, stating: "I, Assistant Sub-Inspector Bhupinder Singh No. 113/FTB, Anti Narcotic Cell Fatehabad, hereby inform you Akashdeep alias Muchri son of Gursewak Singh son of*

*Hakam Singh Fauji, resident of Boha Road, near Harijan Chaupal, Zuneer, Punjab, through this notice under Section 50 of the NDPS Act, that I have received information regarding of the narcotic the presence substance poppy husk beneath onion sacks in your possession and in the Bolero pickup truck No. PB23M-6117, white in color, and a search of your person and the Bolero pickup truck No. PB23M-6117, white in color, is to be conducted. "You have the legal right to be presented, along with your vehicle, before the Area Magistrate or a Gazetted Officer for the search of your person and the Bolero pickup truck No. PB23-6117 in your possession, or any of the aforementioned officers can be called to the spot for the search. Please express your wish. In response, Akashdeep alias Muchri submitted a reply to the notice under Section 50 of the NDPS Act, stating: "Myself Akashdeep alias Muchri son of Gursewak Singh son of Hakam Singh Fauji, resident of Boha Road, near Harijan Chaupal, Zuneer, Punjab, have received the notice given by you under Section 50 NDPS Act and have thoroughly understood it. I wish to have the search of my person and the Bolero pickup truck No. PB23M-6117, white in color, conducted by calling a Gazetted Officer to the spot. The items found on my person and in the vehicle belong to me and Hardeep Singh alias Deep son of Jagdish Singh son of Naib Singh, resident of Boha Road, near Harijan Chaupal, Zuneer, Punjab." Subsequent to the proceedings of the notice and the reply notice under Section 50 of the NDPS Act, both individuals who were apprehended and the witnesses affixed their respective*

signatures. Following the proceedings, I verbally informed Shri Jaipal Singh, H.P.S., Deputy Superintendent of Police, Fatehabad City, about the situation at 1:07 PM using my personal mobile phone, number 9466759240, by calling his phone number 88140-11718, and requested his presence at the spot of occurrence. Shri Jaipal Singh, Deputy Superintendent of Police, H.P.S., Fatehabad City, arrived at the spot at 1:30 PM in his official vehicle with his personal staff. And as per the notice, Navdeep Singh son Lakhveer Singh, resident of Dhani Khanpur, of Sarpanch Gram Panchayat Dhani Tahliwali, has appeared and has been included in the investigation after being apprised of the situation. At this time, Constable Praveen No. 970/Fatehabad also arrived at the spot after registering a report under Notice 42 NDPS Act at Police Station Sadar Fatehabad. Subsequently, I presented the notices, their replies, the two apprehended individuals, and the aforementioned Bolero pickup truck before Shri Jaipal Singh, Deputy Superintendent of Police. After questioning both the apprehended individuals regarding the notices and their replies, he instructed me to search both apprehended individuals and the Bolero vehicle. Upon searching both individuals and the of vehicle, I discovered 12 sacks of poppy husk concealed beneath onion sacks inside the vehicle. Each sack was individually weighed using the digital scale from the official vehicle and assigned a distinct mark: Mark A contained 20 kg 70 grams poppy husk (including the sack), Mark B had 20 kg 100 grams (including the sack), Mark C contained 20 kg 100 grams (including the sack),

*Mark D held 20 kg 70 grams (including the sack), Mark E had 20 kg 70 grams (including the sack), Mark F contained 20 kg 150 grams (including the sack), Mark G had 20 kg 100 grams (including the sack), and Mark H contained 20 kg 100 grams (including the sack). Mark I contained 20 kg 100 grams of poppy husk (including the sack), Mark J contained 20 kg 00 grams of poppy husk (including the sack), Mark K contained 20 kg 00 grams of poppy husk (including the sack), and Mark L contained 20 kg 00 grams of poppy husk (including the sack). I then sealed all the recovered poppy husk sacks with my seal "BS" and prepared separate sample seals. The DSP also sealed the plastic bundles and samples. The seals were then affixed with my "JS" seal. I subsequently took possession of the recovered poppy husk sacks, which were sealed with both "BS" and "JS" seals, along with the sample seals and the aforementioned Bolero pickup truck, as case property under police custody via a property seizure form. After use, I handed over the seal to ASI Raghbir Singh No. 784/Fatehabad, while the DSP kept his own seal with him. Harjeet Singh alias Deep, Akashdeep alias Muchri, and the witnesses affixed their signatures on the property form. The DSP verified the property form, the bundles, and the sample seals. Accused Hardeep Singh alias Deep and Akashdeep alias Muchri committed an offense under Section 15C/61/85 of the NDPS Act by transporting a total of 240 kg 860 grams of poppy husk (including the sacks) in their possession while riding in the aforementioned Bolero pickup truck. A written report has been dispatched to the police station via Constable*

*Praveen No. 970/Fatehabad for the registration of a case. The crime number is to be communicated upon registration, and a special report on this case is to be sent to higher authorities and the Area Magistrate. A competent investigating should be sent to the spot for further investigation of the case. Myself ASI, am present at the of spot occurrence with the accused Hardeep Singh alias Deep and Akashdeep alias Muchri, along with the case property. Place: Fatehabad, opposite Nayara Petrol Pump, Ratiya Road, within the area of Ayalki. SD: Bhupender Singh ASI, Sub-Inspector Bhupinder Singh 113/Fatehabad, Anti-Narcotic Cell, Fatehabad. Date & Time: May 16, 2025, 04:00 PM. Mobile No.: 9466759240”.*

3. Learned counsel for the petitioner contends that as per the case set up by the prosecution Hardeep Singh @ Deep and Akashdeep @ Muchand were arrested by the police while they were carrying 240 Kg. 860 grams of poppy husk in a Bolero vehicle in a plastic bag and were arrested by the police. During the course of investigation, Hardeep Singh @ Deep and Akashdeep @ Muchand had suffered their respective disclosure statements and submitted that they were carrying the poppy husk at the instance of Risala, co-accused. Even, the contraband was purchased from Jora Ram, supplier. Both the main accused had already named Ajay @ Akashdeep @ Binder and Mahender as their accomplices. On 19.05.2025, Mahender was arrested and Risala and Ajay were also arrested by the police subsequently. During their interrogation Ajay

and Risala had named the petitioner as their co-accused. Learned counsel contends that except the disclosure statement suffered by the co-accused there was no other legally admissible evidence against the petitioner and he has been wrongly nominated as an accused in the present case

4. A short reply by way of an affidavit of the Superintendent of Police, Fatehabad (Haryana) has been filed on behalf of the respondent-State and the same is taken on record.

5. Learned State counsel submits that the petitioner has already been named by Ajay and Risala, co-accused in their respective disclosure statement. After the statements were recorded by him, the matter was investigated further and it was found that the present petitioner was constantly in touch with Ajay, co-accused. Further, the petitioner was driving his Ertiga car ahead of Bolero Pick up vehicle as a pilot and CCTV footage from a toll plaza has been obtained by the police during the course of investigation. This fact alone clearly establishes that the petitioner had actively participated in transporting the contraband from one place to the other. Further, the police has found sufficient evidence against the petitioner and his custodial interrogation would be required.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, apart from the disclosure statement suffered by the co-accused against the petitioner, the police has been

able to find CCTV footage from the toll plaza, which clearly shows that the car of the petitioner was used as a pilot vehicle for the Bolero pick up, in which, the poppy husk was being transported. In fact, it has also been found that the petitioner was in constant touch with Ajay, co-accused of the present case. Thus, at this stage, there is sufficient evidence on record to show that the custodial interrogation of the petitioner would be required to know the names of other persons involved in the present case and to recover the drug money from the petitioner. Apart from that, the source of supplier of the contraband is also to be ascertained from the present petitioner.

8. Finding no merits, the present petition is ordered to be dismissed.

07.08.2025  
amit rana

(N.S.SHEKHAWAT)  
JUDGE

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