



101

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

**CRM-M-29453-2025 (O&M)  
Date of decision: 27.05.2025**

**Malik Singh**

**... Petitioner**

**Vs.**

**State of Haryana**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Rajiv Kataria, Advocate and  
Ms. Neelam Choudhary, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

\*\*\*\*\*

**HARPREET SINGH BRAR, J. (ORAL)**

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.80 dated 26.03.2025 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Model Town, Panipat.
2. Succinctly, the facts of the case are that on 26.03.2025, when ASI Ravinder along with other police officials, while on patrolling duty, was present at Jatal Road, Deshwal Chowk, Panipat, he received a secret



information that one Narender Kumar, in a white coloured Ritz car bearing registration No.HR-72H-8562 on canal embankment near to Gaushala, Pooja Vihar Colony, Panipat, is selling opium in the nearby area. Finding the information authentic, a raid was conducted and accused Narender Kumar was apprehended with aforesaid vehicle. Thereafter, requisite formalities were completed as prescribed under the provisions of NDPS Act and recovery of 210 grams of opium, wrapped in a transparent polythene, was effected from dashboard of aforesaid car. Hence, the FIR (*supra*).

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (*supra*). Admittedly, 210 grams of opium was recovered from the conscious and exclusive possession of co-accused Narender Kumar. The petitioner has been nominated as accused only on the basis of disclosure statement made by aforesaid co-accused during his custodial interrogation, which has no evidentiary value in the eyes of law, as the same is hit by Sections 25 & 26 of Indian Evidence Act, 1872 (*now Sections 23(1) & 23(2) of Bharatiya Sakshya Adhinyam, 2023*). Apart from the disclosure statement suffered by co-accused Narender Kumar, there is no other evidence against the petitioner to connect him with the alleged recovery.

4. *Per contra*, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is supplier of the alleged contraband recovered from co-accused and he is involved in one more case under NDPS Act. Further, apart from disclosure statement of co-



accused, there are phone calls exchanged between the petitioner and co-accused during the relevant time. As such, custodial interrogation of the petitioner is required to conduct proper investigation.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is dealing in supplying the alleged contraband and he is involved in one more FIR registered under the provisions of NDPS Act. Further, drug trafficking is a heinous offence, which has disastrous social ramifications. As such, custodial interrogation of the petitioner is imperative to ascertain the supply chain and the *modus operandi* as well as to take the investigation to its logical end.

6. Keeping in view the facts and circumstances of the case and considering the antecedents of the petitioner, this Court finds no ground to grant him the concession of anticipatory bail. Accordingly, present petition is dismissed.

7. However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall decide the case on its own merits without being prejudiced by the observations of this Court.

[ HARPREET SINGH BRAR ]  
JUDGE

27.05.2025  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No