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

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**CRM-M-3674-2025 (O&M)
Date of decision: 26.05.2025**

Bittu Kumar @ Bittu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Saurabh Sharma, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 589 dated 28.10.2024, registered under Sections 18-B, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Thanesar, District Kurukshetra.
2. Brief facts of the case relevant for the disposal of the present petition are that on 27.10.2024, on the basis of a secret information, co-accused Shравan Singh, while sitting in truck bearing registration number PB-02-ES-8418, was apprehended by a police party headed by SI Baljinder Singh and recovery of 10 kgs. 40 grams of opium was effected from him. Upon interrogation, he disclosed that since he was not able to pay the installments of loan taken by him for purchasing the said truck, he had started bringing opium from Manipur and selling the same in Punjab. During this process, he met present petitioner, who told him that his relative Bicky Chamlagain @ Bikku

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was residing in Imphal and could arrange opium for Shравan Singh from Kuki militants at a cheaper rate. He had loaded 12 kgs. of opium in his truck on 22.10.2024, which was to be delivered to Jasbir Singh and Sukh in Punjab. The said contraband was arranged by the present petitioner along with Bicky Chamlagain @ Bikku, for which, Shравan Singh had already transferred an amount of Rs. 1 Lakh and Jasbir Singh had transferred an amount of Rs. 2,93,500/- into the bank account of the present petitioner. Co-accused Bicky Chamlagain @ Bikku was arrested and he also made the similar disclosure statement. On the basis of the same, the petitioner was nominated in this case and was arrested on 26.11.2024 by way of production warrant as he was already in custody in connection with some other case. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 24.12.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor was present at the spot when the alleged recovery was effected from the co-accused. He has been nominated in this case on the basis of the disclosure statements suffered by the co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject crime, except the disclosure statements of the co-accused. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 26.11.2024. No useful purpose would be

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served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has argued that the petitioner is not entitled to get benefit of regular bail as there are serious allegations against him. He was playing key role in smuggling of opium from Manipur through co-accused. During investigation, it was found that the petitioner was in constant touch with the co-accused over phone during relevant time and had exchanged 251 calls with co-accused Bicky Chamlagain @ Bikku and 03 calls with co-accused Shravan Singh. Co-accused Shravan Singh and Jasbir Singh had transferred an amount of Rs. 4,03,500/- into the account of the petitioner, which has been duly verified from his bank statement. The petitioner is involved in one more case under the NDPS Act. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per case of the prosecution, recovery of 10 kgs. 40 grams of opium, which falls within the ambit of commercial quantity, has been effected in this case from co-accused Shravan Singh. The petitioner has been nominated in this case as an accused on the basis of the disclosure statements suffered by co-accused Shravan Singh and Bicky Chamlagain @ Bikku on the allegations that he was playing an active role in supplying the contraband to co-accused Shravan Singh through his relative Bicky Chamlagain @ Bikku. The petitioner had

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exchanged a number of calls with the co-accused, which shows that he was actively participating in smuggling of the contraband. Not only this, he had received an amount of Rs. 4,03,500/- from co-accused Jasbir Singh and Shravan Singh, which has been duly verified from his bank statement. The criminal antecedents of the petitioner are also not clean as he is shown to be involved in one more case of similar nature. There are quite serious allegations against the petitioner. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Rather, the same may be expedited. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the nature of the allegations levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

26.05.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*