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

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Date of decision: 08.10.2025

Ram Ji

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.313 dated 16.05.2025 registered for offences punishable under Sections 18 and 29 of the NDPS Act at Police Station Thanesar Sadar, District Kurukshetra.

2. The gravamen of the FIR in question pertains to the alleged incident of illegal sale/purchase of the contraband. It was alleged that on 16.05.2025 Sub Inspector Sudesh Kumar from Crime Branch-1, Kurukshetra alongwith Head Constables Naresh Kumar, Sandeep Kumar and EASI Ishwar Singh were patrolling the area in government vehicle (HR07GV-9810) driven by EASI Ishwar Singh. During patrolling, a secret informant met SI Sudesh Kumar and gave information that two persons namely Rajiv alias Ajay and Rakesh, both residents of village Anjani, District Bareilly (U.P.) were involved in sale and purchase of opium. As



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per the informant the aforesaid accused were currently waiting at Parakeet Pipli, where buses from Delhi stop and were carrying a large quantity of opium. Believing the information to be credible, co-accused Rajiv alias Ajay and Rakesh were apprehended with 02 KGs and 620 grams of opium in their possession. Thereafter, recovered contraband was taken into police possession vide separate recovery memo and accused were arrested after serving notice under Section 52 of the NDPS Act. The case property was seized and the accused were apprehended on the spot and produced before the Illaqa Magistrate. Consequently, a case was registered. On interrogation, the accused disclosed that they had purchased the contraband from the present petitioner namely Ram Ji, who had supplied the contraband to them for delivering it in the States of Haryana and Punjab. The recovered substances were seized in accordance with due legal procedure.

3. Learned counsel for the petitioner has iterated that from the bare perusal of the FIR clearly shows that the petitioner has not been named therein. Learned counsel has further iterated that the petitioner was neither apprehended from the spot nor alleged to have been present at the time of arrest of the co-accused Rajiv @ Ajay and Rakesh. It has been further submitted that the petitioner has been falsely implicated into the present case solely on the basis of the disclosure statement made by co-accused Rajiv @ Ajay and Rakesh which are inadmissible in evidence in view of Sections 24, 25 and 26 of the Indian Evidence Act, 1872. According to learned counsel, except from the said disclosure statements, there is no independent or corroborative evidence connecting the petitioner with the alleged offence. To buttress his arguments, learned counsel has placed



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reliance on the judgment of the Hon'ble Supreme Court titled as ***Hari Charan Khumari vs. State of Bihar, 1964 AIR (SC) 1184***, to contend that the disclosure statement of co-accused while in custody is not admissible in evidence. It has been further submitted that the alleged recovery of 02 Kgs and 620 grams of opium was effected only from the co-accused Rajiv @ Ajay and Rakesh and not from the petitioner. Furthermore, the alleged recovery being marginally above the commercial quantity and not from the possession of the petitioner and hence the rigour of Section 37 of the NDPS Act is not attracted in the instant case. According to learned counsel, apart from the inadmissible disclosure statement, there is no material or reasonable ground available with the prosecution to connect the petitioner with the alleged offence. Learned counsel further asserts that nothing has been recovered from the possession of the petitioner and no further recovery is likely to be effected at his instance and thus, his custodial interrogation is neither warranted nor justified. Learned counsel further asserts that the petitioner has no intention of evading the process of law and undertakes to cooperate fully with the investigation. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations levelled against the petitioner are serious in nature. According to learned State counsel, the petitioner is actively involved in the illicit trade of narcotic



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substances and has an active role in the supply of the contraband in question. Referring to the status report dated 08.09.2025 by way of an affidavit of Rohtash Kumar, HPS, DSP Traffic, Kurukshetra, learned State counsel submits that the complicity of the petitioner stands established from the disclosure of co-accused Rajiv alias Ajay as also the CDR details. The relevant paras of the said affidavit read thus:

“5. That the name of petitioner/accused has come into picture from the disclosure statement of co-accused Rajiv alias Ajay and copy of disclosure statement of Rajiv alias Ajay is enclosed herewith as Annexure R-1 for kind perusal of this Hon’ble Court. The petitioner/accused also talking from his mobile no.99971-46806 to mobile no.88472-73327 of co-accused Rajiv alias Ajay at 236 times from 01 March 2025 to 14 May 2025 and copy of CDR of mobile phone no.99971-46806 is enclosed herewith as Annexure R-2 for kind perusal of this Hon’ble Court.

6. That in compliance of order dated 18.06.2025 passed by this Hon’ble Court the petitioner/accused has joined the investigation of the present case on 19.06.2025 and admitted his crime by making his disclosure statement which was recorded separately and copy of the same is enclosed herewith as Annexure R-3 for kind perusal of this Hon’ble Court. The FSL report in the present case is already received and copy of the same is enclosed herewith as Annexure R-4 for kind perusal of this Hon’ble Court.

7. That the allegations against the accused person are that a commercial quantity of Opium i.e. 2 Kg 620 gm was recovered from the possession of co-accused Rajiv alias Ajay on 16.05.2025 by the police team headed by SI Sudesh Kumar on the basis of secret information. During investigation, co-accused Rajiv alias Ajay suffered a disclosure statement, implicating the present petitioner as the supplier of this heavy quantity of opium but inspite of that he filed the present petition before this Hon’ble Court on false grounds and same is liable to be dismissed.”

According to learned State counsel, the custodial interrogation of the petitioner is stated to be essential for the purpose of unearthing the complete supply chain of the narcotic substances and for effecting recovery



of the contraband. Granting bail to the petitioner at this stage may seriously hamper the ongoing investigation and embolden the petitioner to tamper with evidence or influence key witnesses, many of whom may be susceptible to pressure or intimidation. Given the gravity of the offence, the larger public interest involved in curbing the menace of drug trafficking, and the potential threat to the fair conduct of the trial, it is respectfully submitted that the petitioner does not deserve the concession of anticipatory bail and it is prayed that the present petition deserves to be dismissed.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It emerges from the record that on 16.05.2025, acting on credible secret information, two persons namely Rajiv alias Ajay and Rakesh were apprehended by the Police and upon search 02 kilograms and 620 grams of opium were recovered from their possession. During the course of investigation, co-accused Rajiv alias Ajay made a disclosure statement wherein he disclosed that the recovered opium had been supplied to him by the present petitioner. At this stage, the alleged involvement of the petitioner founded principally on the disclosure statements of co-accused coupled with corroborative documentary evidence collected by the investigating agency during the course of investigation to substantiate the case of the prosecution. In addition the name of the petitioner surfaced not merely in a bald disclosure statement of the co-accused but stands corroborated by independent material in the form of Call Detail Records (CDR) which shows frequent telephonic



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contact between the petitioner and co-accused Rajiv alias Ajay i.e. 236 times from 01.03.2025 to 14.05.2025 prior to the recovery of contraband which, according to the investigating agency, substantiates the association between the petitioner and the co-accused, thereby lending *prima facie* credence to the allegation of the involvement of the petitioner. The aforesaid instances reflect a recurring pattern of conduct on the part of the petitioner and his deliberate and conscious role as supplier of contraband. Furthermore, the record reveals that upon joining investigation, the petitioner made a disclosure statement admitting his role and the weightage/veracity of the same will be examined during the course of trial. Furthermore, the frequency of communication, the nature of the recovery and the disclosure linking the petitioner to supply of the contraband make it reasonable ground for believing that the petitioner is connected with the alleged offence under the NDPS Act. Thus, the contention that the petitioner has been implicated solely on the basis of an inadmissible disclosure does not merit acceptance.

7. The role of the present petitioner is not that of a mere consumer but that of an active supplier of contraband. The judgment relied upon by the petitioner pertain to the admissibility of confessional statement at the stage of trial, however, at the stage of considering anticipatory bail, the Court is not expected to make a detailed appreciation of admissibility or reliability of evidence. The petitioner has been implicated for the commission of offences punishable under the NDPS Act with specific allegations of facilitating illicit trafficking of contraband substances. Furthermore, as per the prosecution, the petitioner played a pivotal role in



the supply chain, having allegedly supplied the contraband to co-accused which led to the recovery of the contraband in question. The investigation so far indicates the involvement of the petitioner in a well-organized network, engaged in the illegal distribution of psychotropic substances. The nature and gravity of the offence, coupled with the evidentiary material on record, justify further custodial interrogation to unravel the larger conspiracy and identify the other potential co-conspirators.

8. The nature of the allegations, coupled with the possibility of the petitioner being part of a larger nexus engaged in the unlawful trade of narcotic substances, raises serious concerns that cannot be brushed aside at this nascent stage of the investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses who may be vulnerable to coercion does not appear to be without merit. Given the seriousness of the offence, the stage of investigation, the possibility of tampering with evidence or obstructing justice, and the overarching public interest in deterring the menace of narcotic drug trafficking, this Court is of the view that the petitioner does not merit the concession of bail at this juncture. Further, in light of the serious allegations, the custodial interrogation of the petitioner may be indispensable and crucial for unearthing the broader conspiracy and identifying other potential accomplices, information which may be within the exclusive knowledge of the petitioner. The grant of anticipatory bail at this premature stage may seriously prejudice the ongoing investigation and potentially result in tampering with evidence or influencing material witnesses.



9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also for reaching impact of such alleged iniquities on society. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Supreme Court held as under, relevant whereof reads as under:

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.



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10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.
11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

October 08, 2025

Ajay

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