

(2026) 08 P&H CK 0462
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-42902-2026

Raju

APPELLANT

Vs

State Of Haryana

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 21(b), 20(b)(ii)(B)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482

Citation : (2026) 08 P&H CK 0462

Hon'ble Judges : Sumeet Goel, J

Bench : Single Bench

Advocate : Mr. V.B. Godara, Advocate for the petitioner (presence marked through video-conferencing); Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Final Decision : Petition dismissed

Judgement

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (erstwhile Section 438 Cr. P.C.) for grant of anticipatory bail to the petitioner, in case bearing FIR No.230 dated 11.07.2026, registered for the offences punishable under Sections 21(b) & 20(b)(ii)(B) of the NDPS Act, 1985, at Police Station Sadar, Hansi.

2. The gravamen of the FIR in question pertains to recovery of 10.3 grams of Heroin/ *chitta* and 1 kg. 140 grams of *ganja*.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that mandatory provisions of the NDPS Act have not scrupulously been complied with and, thus, the prosecution case suffers from inherent defects. Learned counsel has further submitted that the petitioner is not named in the FIR and has been implicated solely on the basis of the disclosure statement of a co-accused, which is, *per se*, inadmissible in evidence and cannot form the sole basis for implicating the petitioner. It has also been argued that there is not even an iota of evidence available with the prosecution to establish the petitioner's complicity in the

alleged offence.

3.1. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further iterated that the petitioner is ready and willing to join investigation. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature. Learned State counsel has, thus, argued that the petitioner has been specifically named in the disclosure statement of the co-accused. Learned State counsel has further argued that investigation in the present case is still under way and the petitioner is yet to be arrested. The petitioner does not bear clean antecedents. Given these circumstances, custodial interrogation of the petitioner is indispensable. Learned State counsel submits that in case the petitioner is accorded concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice as also influence/ intimidate the prosecution witnesses. Thus, the present petition is devoid of merit and is liable 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 prosecution case, serious allegations have been levelled against the petitioner. The prosecution case, *prima facie*, reveals that co-accused Vikash was apprehended and 10.3 grams of heroin (*chitta*) was recovered from his conscious possession. During the course of investigation, the said co-accused also got recovered 1.140 kilograms of *ganja*. It is further the case of the prosecution that the petitioner's name surfaced during the investigation on the basis of the disclosure statement made by the aforesaid co-accused.

6.1. That apart, the petitioner himself has admitted in the averments made in para-9 of the present petition that the petitioner is involved in 30 other cases; the details whereof read thus:

"9. That allegedly the petitioner is also involved in more than 30 other case FIRs including two case FIRs under NDPS Act wherein he was convicted in one such case FIR under Section 21 of NDPS Act. The details of some of cases is as under:

- i) FIR No.112 dated 30.03.2017, U/s 21 NDPS, PS Buna.
- ii) FIR No.176 dated 14.05.2020, U/s 42 A.P. Act, PS Civil Lines, Hisar.
- iii) FIR No.304 dated 27.08.2018, U/s 21B, 27A NDPS Act, PS Bhuna.
- iv) FIR No.282 dated 09.08.2019, Arms Act, PS Bhuna.
- v) FIR No.30 dated 06.02.2009, U/s 379, 411 IPC, PS Bhuna.
- vi) FIR No.95 dated 23.04.2017, U/s 174A IPC, PS Uklana.
- vii) FIR No.342 dated 19.11.2017, A.Act, PS Sadar Tohana.
- viii) FIR No.63 dated 29.03.2018, U/s 174A IPC, PS Uklana.

- ix) FIR No.119 dated 27.05.2010, U/s 457, 380 IPC, PS Bhuna.
- x) FIR No.86 dated 03.03.2013, U/s 25, 54, 59 A.Act, PS. Bhna.
- xi) FIR No.131 dated 11.04.201, U/s 148, 149, 323, 341, 506 IPC and 25, 54, 59 Arms Act, PS Bhuna.
- xii) FIR No.470 dated 28.09.2015, U/s 147, 149, 323, 341, 506 IPC, PS Bhuna.
- xiii) FIR No.301 dated 24.06.2009, U/s 454, 380 IPC, PS City Fatehabad.
- xiv) FIR No.77 dated 18.03.2009, U/S 379, 411 IPC, PS Uklana.
- xv) FIR No.509 dated 22.10.2015, U/s 147, 149, 323, 341, 506 IPC, PS Bhuna.
- xvi) FIR No.217 dated 14.07.2009, U/s 379 IPC, PS Tohana.
- xvii) FIR No.210 dated 17.06.2010, U/s 379 IPC, PS Ratia.
- xviii) FIR No.332 dated 10.06.2010, U/s 379 IPC, PS City Ratia.
- xix) FIR No.365 dated 06.03.2010, U/s 379 IPC, City Kaithal.
- xx) FIR No.378 dated 16.07.2010, U/s 379 IPC, City Kaithal.
- xxi) FIR No.353 dated 28.06.2010, U/s 379 IPC, City Kaithal.
- xxii) FIR No.332 dated 10.06.2010, U/s 379 IPC, City Kaithal.
- xxiii) FIR No.362 dated 06.07.2010, U/s 379 IPC, City Kaithal.
- xxiv) FIR No.185 dated 17.07.2010, U/s 379 IPC, City Narwana.
- xxv) FIR No.266 dated 10.07.2011, U/s 395 IPC, PS Ratia.
- xxvi) FIR No.128 dated 12.07.2011, U/s 395 IPC, PS Bhattu Kalan.
- xxvii) FIR No.242 dated 12.07.2011, U/s 457, 380 IPC, PS City Sadar Fatehabad.
- xxviii) FIR No.254 dated 11.11.2008, U/s 379 IPC, PS Uklana.
- xxix) FIR No.101 dated 17.03.2014, U/s 395, 342, 365 IPC and 25, 54, 59 A. Act, PS Bhuna.
- xxx) FIR No. 106 dated 21.03.2014, U/s 398, 401 IPC and 25, 54, 59 A. Act, PS Bhuna."

The aforesaid criminal antecedents reveal that the petitioner is a habitual offender with a tendency to indulge in criminal activities. His antecedents also give rise to a reasonable apprehension that, if enlarged on bail, he may again indulge in similar offences, misuse the concession of bail, or obstruct the fair course of justice. Furthermore, the possibility of his absconding or influencing the prosecution witnesses cannot be ruled out.

6.2. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. It is befitting to mention here that while considering 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 the deeper and wider impact of such alleged iniquities on the 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."

8. 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, preliminary investigation and the petitioner having no clean antecedents, appear to establish a reasonable basis for his accusation. 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 is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.