

**IN THE COURT OF JITENDRA PRATAP SINGH
ADDL. SESSIONS JUDGE /SPECIAL JUDGE (NDPS),
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI**

SC107/2024

STATE Vs. BHALLA RAM & ORS.

FIR No. 239/2023

PS SPECIAL CELL

27.04.2026

ORDER

1. Vide this order, I shall decide the application moved on behalf of accused Amra Ram under Sections 343 to 345 BNSS seeking tender of pardon and permission to become an approver.

2. The case of the prosecution, in brief, is that on 11.09.2023, specific secret information was received that members of an inter-State narcotics syndicate were bringing a huge consignment of opium in a vehicle to Delhi for delivery. Pursuant thereto, a raid was conducted near Noida Link Road, Mayur Vihar, and accused Amra Ram along with co-accused Bhana Ram was apprehended in a KIA Seltos car. Upon search of alleged concealed cavities in the vehicle, 40.876 kg opium was recovered. It is further the prosecution case that during subsequent investigation accused Bhalla Ram, stated to be the mastermind, was arrested and 3.058 kg opium was also recovered from his house. Chargesheet has been filed.

3. The applicant seeks pardon on the plea that he is willing to

make a full and true disclosure of all facts within his knowledge and that he is ready to testify even at risk to himself and his family. It is also pleaded that he was merely a driver and had been used by others.

4. It is submitted that the applicant seeks a pardon on the condition of making a full disclosure of the facts within his knowledge and regarding every person concerned with the case. He submits that his name be removed from the list of the accused persons and he be treated as a witness.

5. The Ld. Addl. PP oppose the application contending that there is already sufficient evidence against the applicant. There is recovery of commercial quantity of the contraband and other accused persons have been apprehended. It is further submitted that no useful purpose would be served by granting pardon to the accused and therefore, the application should be dismissed.

6. I have heard learned counsel for the applicant and learned Addl. PP for the State and have also perused the record.

7. The law regarding tender of pardon is well settled. The object of the provision is not to reward an accused who merely wishes to escape punishment, but to secure evidence necessary in the larger interest of justice. The Court must assess whether the proposed approver is prepared to make a full and true disclosure, whether his evidence appears necessary for unearthing the whole conspiracy or securing conviction of principal offenders, and whether the request is bona fide.

8. In *Pascal Fernandes v. State of Maharashtra*, AIR 1968 SC 594, the Hon'ble Supreme Court held that although an accused may himself move an application to become an approver, grant of pardon is a matter of judicial discretion and ordinarily the Court should seek the view of the prosecution because the prosecution is best placed to assess whether the evidence of such person is required. The ratio of the judgment is that the power exists with the Court, but it must be exercised cautiously and for advancing justice, not mechanically.

9. Further, in *Bangaru Laxman v. State through CBI*, (2012) 1 SCC 500, the Hon'ble Supreme Court reiterated that the power to tender pardon is intended to obtain evidence from a participant in crime so as to bring home guilt of other offenders where such evidence is necessary. The emphasis remains on the utility and necessity of such evidence and on the condition of complete and truthful disclosure.

10. Applying the above settled principles to the present case, this Court finds no sufficient ground to exercise discretion in favour of the applicant at this stage.

11. The application is wholly general and vague. The applicant has not disclosed what exact facts he proposes to reveal. A bare statement that he is willing to disclose the truth cannot by itself justify tender of pardon.

12. Secondly, the applicant simultaneously claims that he was

falsely implicated and was merely a driver unaware of the true purpose. Such a stand is inconsistent with a voluntary confession of participation accompanied by a full and true disclosure. A person seeking pardon must come forward candidly with his own role as well as that of others. The present application fails on this account.

13. Thirdly, the prosecution has specifically opposed the application stating that substantial evidence in the case is already collected. The alleged mastermind has already been arrested, further recovery has been effected and chargesheet has been filed. At present, there is no material before this Court to conclude that without the applicant's testimony the real offenders would escape or that the prosecution case cannot proceed. The Court has also perused the statement of the applicant recorded on 10.02.2025 u/s 164 Cr.P.C. In this statement also he has not disclosed any fact, which would lead to an inference that his testimony is necessary to prove the case of the prosecution.

14. The Court also cannot lose sight of the fact that the offence alleged pertains to recovery of a huge commercial quantity of opium. In serious offences of organized narcotics trafficking, the Court must exercise greater caution before converting an accused allegedly found in conscious possession and transport of contraband into a prosecution witness unless compelling necessity is shown.

15. In view of the totality of facts, this Court is of the

considered opinion that the applicant has failed to show that his proposed evidence is necessary for proving the guilt of other accused persons.

16. Accordingly, the application moved by accused Amra Ram under Sections 343 to 345 BNSS seeking pardon and permission to become an approver is **dismissed**.

17. Nothing stated herein shall be construed as an expression on the merits of the trial.

18. The application stands disposed of accordingly. Copy of the present order be sent to concerned jail superintendent, to be supplied to the applicant/accused.

(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/27.04.2026