

SAKIB VERSUS STATE OF HARYANA

IN THE COURT OF DR. RAJNI KAUSHAL,
ADDITIONAL SESSIONS JUDGE, YAMUNA NAGAR AT JAGADHRI
(UID No. HR0282)

C.N.R. No.HRYN01-004450-2026
CIS No. BA-1263-2026
Date of Institution: 01.07.2026
Date of Order: 06.07.2025



Sakib, aged about 28 years, son of Mobin, resident of Ward No.3, Jama
Masjid, Buria, Chaneti (399), PO Buria, District Yamuna Nagar.

...Petitioner.

Versus

State of Haryana.

...Respondent.

F.I.R. No.115, dated 14.06.2025
Under Section: 21(b) & 27A of NDPS Act (though counsel
mentioned Section 29 of NDPS Act in the bail application)
Police Station: Buria, District Yamuna Nagar.

**Application for anticipatory bail under Section 482
BNSS, 2023.**

Argued by:

Sh. S.S. Nehra, Adv. for petitioner.
Sh. Akashdeep Singh, Public Prosecutor for the respondent/
State.

ORDER:

The present petition for grant of anticipatory bail has been
filed by the petitioner-accused, namely, Sakib, through his counsel, in the
FIR detailed above.

2. On notice, learned Public Prosecutor for the State has
appeared and filed reply.

(Dr. Rajni Kaushal)
ASJ, Jagadhri/06.07.2026.
UID No. HR0282.

FIR Version:

3. As per police reply, on 14.06.2026, at about 2:00 PM, accused Mobin alias Baja son of Abdul Majid was intercepted by police party headed by SI Jaswinder Singh no.95/YNR, on the basis of secret information and recovery of '**Heroin/smack**' weighing 17 Grams was effected from his possession. Accordingly, the present FIR was registered. Consequent upon making necessary compliances under the NDPS Act, he was arrested.

Investigation:

4. During investigation, spot was inspected. Statements of witnesses were recorded. In interrogation, disclosure statement of accused Mobin @ Baja was recorded, wherein he initially named Shahjad as source of the contraband, but in fresh disclosure statement, he disclosed the name of his sons Sahil @ Silu and Sakib (petitioner-accused) as main source of contraband. Section 27-A of NDPS Act was added. After completion of usual formalities of investigation, challan qua Mobin @ Baja was prepared and submitted in the Court on 11.08.2025. On 03.08.20225, accused Sahil @ Silu son of accused Mobin @ Baja was arrested, on the basis of secret information. During interrogation, statement of co-accused Sahil @ Silu was recorded, wherein he also named petitioner-accused Sakib as main source of the contraband. On the basis of disclosure statements of accused Mobin @ Baja and Sahil @ Silu, Sakib (petitioner-accused) is yet to be arrested.

(Dr. Rajni Kaushal)

ASJ, Jagadhri/06.07.2026.

UID No. HR0282.

Contentions on behalf of the applicant-petitioner

5. It has been argued by learned counsel for the applicant-petitioner that applicant-petitioner has been falsely implicated in the present case only on the basis of disclosure statement of the co-accused. Further argued that petitioner-accused Sakib is real brother of accused Sahil @ Silu and son of accused Mobin @ Baja and this itself shows that whole family of the accused has been falsely implicated in the present case. Further argued that nothing has to be recovered from petitioner-accused and as such, his custodial interrogation is not required. Further, submitted that the applicant-petitioner is ready and willing to join the investigation as and when directed by this court or by the investigating officer. Hence, it has been prayed that the petitioner may be granted the concession of pre-arrest bail.

Contentions of The Learned Assistant Public Prosecutor:

6. Refuting the aforesaid contentions, the learned Public Prosecutor has opposed the bail application on the nature and gravity of the offence submitting that applicant-petitioner is the main source of contraband, whose custodial interrogation is required and recovery of amount obtained by him in lieu of sale of contraband, is to be effected from him. Further argued that whole family of petitioner-accused is indulging in the business of purchase and sale of heroin/smack and accused Sakib & Sahil sons of accused Mobin used to procure contraband

and used to supply it to their father Mobin for sale. Thus, Section-27-A of NDPS Act has been added. There is a bar of Section 37 of NDPS Act to release accused in cases involving Section 27-A of NDPS Act. Further argued that the antecedents of the petitioner-accused are not clean as according to police reply, apart from present FIR, three other FIRs, one of which is for similar nature i.e. under NDPS Act, to the present FIR, have been registered against the petitioner-accused. In the end, he made prayer for dismissal of the application.

Analysis of The Court:

7. I have considered submissions of both sides and have perused the record.

8. The applicant-petitioner has approached this court seeking the concession of pre-arrest. It is axiomatic on the perusal of the file that the petitioner-applicant alongwith other co-accused has been booked for the commission of offence under Sections 20(b) & 27-A of NDPS Act. Co-accused Mobin @ Baja, who is father of present petitioner-accused was apprehended alongwith narcotic substance i.e. 'Heroin/smack' weighing 17 Grams. On interrogation, he disclosed name of his sons accused Sahil @ Silu and Sakib (petitioner-accused) as source of contraband. Thereafter, accused Sahil @ Silu was arrested in the present case. In his disclosure statement, accused Mobin @ Baja (Father) and Sahil @ Silu (brother of accused Sakib), named petitioner-accused Sakib

SAKIB VERSUS STATE OF HARYANA

as main source of the contraband. Thus, entire family is involved in the illegal business of sale and purchase of Heroin/smack. Despite the fact that name of accused figured in the disclosure statement of accused Mobin @ Baja (Father) against whom challan has already been submitted in the Court on 11.08.2025 and disclosure statement of accused Sahil @ Silu (brother) against whom challan was presented on 19.11.2025, till date petitioner-accused Sakib could not be apprehended nor he bothered to surrender himself or join investigation in the present case. According to prosecution, custodial interrogation of the petitioner is required to find facts and to effect recovery of amount allegedly obtained by him in lieu of sale of contraband. The custodial interrogation of the petitioner would be required to find out the main source of the contraband. The allegations against the petitioner are quite grave. Further, Section 37 of NDPS Act creates bar to release of accused in cases involving Section 27-A of NDPS as it relates to financing/trade of the illicit trafficking of drugs and before admitting the accused to bail, in such cases, the twin conditions as enumerated under Section 37 of NDPS Act, should be satisfied. However, the said conditions have not been satisfied in the present case. Moreover, antecedents of the petitioner-accused are not clear as he is involved in three other FIRs, out of which, one is of similar nature.

9. Further the custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is on anticipatory bail.

SAKIB VERSUS STATE OF HARYANA

The accused who is on anticipatory bail is under tremendous advantage. In the present case, the custodial interrogation of the petitioner is definitely required for complete and effective investigation to find out as to from where he has procured the contraband and who all other are involved in the alleged offence. In case, custodial interrogation of the petitioner is denied to the investigating agency, that would leave more loose ends and gaps in the investigation, effecting the investigation being carried out adversely, which is not called for in the present case.

10. Further the remedy of anticipatory bail is an extraordinary remedy that can be availed, where much hardship is shown to have been caused in the event of arrest, but the present case is not of extraordinary hardship.

11. As a sequel to above discussion, present bail application for pre-arrest bail filed by petitioner-accused Sakib stands **dismissed**.

12. The observation made here-in-above shall have no bearing on the merits of the case.

13. As provided under Rule 15 (iii), Chapter 10 of Punjab and Haryana High Court Rules and Orders, Volume-III and direction of Hon'ble Supreme Court in **SMWP (CRIMINAL) No. 4/2021 "IN RE POLICY STRATEGY FOR GRANT OF BAIL"**, dated 31.01.2023, a copy of this order be supplied forthwith to the petitioner-accused through his counsel and a copy be also sent to the SHO, concerned for information

SAKIB VERSUS STATE OF HARYANA

and necessary action. File be tagged with connected file, after due compliance.

Pronounced in open Court
Dated: 06.07.2026

(Dr. Rajni Kaushal)
Additional Sessions Judge
Yamuna Nagar at Jagadhri
(UID No. HR0282)

Note: All 7 pages of this order have been checked and signed by me.

(Dr. Rajni Kaushal)
ASJ, Jagadhri/06.07.2026.
UID No. HR0282

Papli Kumar

(Dr. Rajni Kaushal)
ASJ, Jagadhri/06.07.2026.
UID No. HR0282.