

In the Court of Dr. Rahul Bishnoi, Addl. Sessions Judge, Nuh.

CNR No. : HRNUO10074752026
Bail Application No.: 425 of 2026
Date of Institution : 13.08.2026
CIS No. : BA-2264-2026
Date of order : 20.08.2026

Sushil @ Suhsil Khandelwal aged 35 years son of Mahesh Chand Khandelwal R/o Village Jurhera, Tehsil Kama, District Bharatpur, Rajasthan.

.....Applicant/accused.

Versus

State of Haryana

.....Respondent.

F.I.R. No. : 164 dated 27.10.2025
Under Sections : 21-C of NDPS Act
Police Station : Bichhor.

First application for regular bail under Section 483 BNSS

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Argued by: Sh. Zakir Hussain, Ld. counsel for the applicant-accused.
Sh. Ayushman Bajpai, Public Prosecutor for the State along
with IO ASI Pawan Kumar, Belt no.179/Nuh.

ORDER:

This order shall dispose of an application for regular bail filed by applicant-accused in case FIR No.164 dated 27.10.2025 under Sections 21-C of NDPS Act, Police Station Bichhor.

(Dr. Rahul Bishnoi)
ASJ, Nuh.
20.08.2026.

2. Notice of the application was given to the State, which filed its reply through learned Public Prosecutor for the State.

3. Brief facts of the case are that on 26.10.2025, SI Yashpal along with other police officials was present at Hodal-Punhana Road in front of BSNL Exchange when secret information was received that the accused Niyajbuddin son of Abdul resident of Khedli Manna is engaged in business of selling narcotic and on that day also, he would go to sell the narcotics in Punhana on motorcycle bearing registration no.RJ-05RS-0142 and if barricades be installed near Khedla Bridge, he could be apprehended. On believing the information, barricading was done at the place disclosed by the secret informer, notice under section 42 of the NDPS Act was prepared and information was given to Executive Magistrate. SI Yashpal alongwith secret informer when reached the placed disclosed by the secret informer, then, after some time one boy was seen coming from Jurhera side with one white plastic bag and with the help of other police officials, Investigating Officer apprehended the accused Niyajbuddin. The Executive Magistrate reached at the spot and search was conducted in his presence. On search, he was found with one plastic bag containing 120 bottles of Onerex (Codeine phosphate and Triprolidine Hydrochloric Syrup 100 ML). Notice under section 50 of the NDPS Act was served upon him. The same was seized after

drawing samples. Sample seal of SS was prepared separately. The Executive Magistrate counter signed the polythene and the sample seal. FIR was registered under section 21-C of the NDPS Act. Pulinda and sample seal were countersigned by the Executive Magistrate. Case property was deposited in the Malkhana, after the inventory was prepared. Proceedings under section 55 and 57 of NDPS Act were conducted. Subsequently, FIR was registered. The applicant was arrested on 18.05.2026 and since then, he is in judicial custody. Hence, the present bail application.

4. Learned counsel for the accused has argued that the accused has been falsely implicated in the present case and a false story has been concocted against the accused and name the applicant has come in the disclosure statement of co-accused Niyajbuddin and the accused never supplied any narcotics/contraband to the co-accused Niyajbuddin and hence, nothing is to be recovered from the accused and there is no evidence so as to link the accused with the alleged crime and furthermore, as per rent agreement, period of lease was already over and hence, the accused was not even running the said medical shop as alleged and the accused is in custody since 18.05.2026 and as such, no purpose would be served by keeping the accused in further custody. With these submissions, a prayer was made for granting bail to the applicant. In support of his arguments,

he has relied upon the authorities cited as *Tejpal Singh v. State of Haryana* CRM-M-2981-2026, date of dec. 23.01.2026, *Harpal Singh v. State of Punjab* CRM-M-26086-2026, date of dec.26.07.2026, *Maya Kaur v. State of Punjab* CRM-M-2994 of 2021, date of dec. 07.07.2021, *Himanshu & Ors. v. State of Punjab & Ors.* (2023) 2 LawHerald 1225, *Satti @ Satpal Singh v. State of Punjab* (2018) 3 LawHerald 1965, *Palwinder Singh v. State of Punjab* (2018) 1 Law Herald 55, *Parmanand v. State of Haryana* (2014) 1 RCR (Criminal) 437, *ShivLal MangiLal Mewada v. State of Gujrat* Docid#IndLawLib/1820601 and *Mustaq v. State of Rajasthan* (2021) 3 CriLR 731.

5. On the other hand, learned Public Prosecutor for the State while opposing the bail application has vehemently argued that in view of the seriousness of allegations, no ground is made out to grant the concession of bail to the applicant-accused and bail application deserves dismissal.

6. I have heard learned counsel for the applicant-accused as well as learned Public Prosecutor for the State and have gone through the case file very carefully.

7. The offence is punishable under Sections 21C of the NDPS Act 1985 with the allegations of recovery of 120 bottles of 100 ML each of 'Codeine Phosphate & Triprolidine Hydrochloride Syrup' which falls into the commercial quantity on higher side. There is nothing in evidence to reflect that the accused was not involved in the offence. The contraband recovered is of commercial quantity. The co-accused Niyajbuddin has mentioned in his disclosure about getting supply of the aforesaid bottles from the accused Sushil Khandelwal. There are whatsapp calls between the accused Sushil and the main accused Niyajbuddin, so as to link him with the alleged crime. It being a commercial quantity, in view of the provision contained in Section 37 of the Narcotic Drugs & Psychotropic Substances Act, 1985, there is no reasonable ground to believe that the applicant is not guilty of the offence, nor there is anything to show that he is not likely commit any offence, while on bail. The case of the accused/applicant does not fall within the parameters of Section 37 of the Narcotic Drugs & Psychotropic Substances Act, 1985 for grant of bail. As such, the accused/applicant is not entitled to concession of bail. The authorities cited by learned counsel for the applicant/accused are not applicable to the facts of this case as apart from disclosure statement, there are whatsapp calls to link the accused Sushil with the main accused Niyajubddin.

8. Keeping in view the nature of offence, the manner in which the offence has been committed, the magnitude of the offence, commercial quantity of the narcotics involved and also the punishment provided, this court does not deem it proper to grant the concession of regular bail to the applicant-accused and as such, the bail application moved by the applicant-accused is hereby dismissed. It is clarified that none of the observations made herein above shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present application. Copy of order be also sent to the concerned Jail Superintendent for intimation to the accused as well as to the office of District Legal Services Authority, Nuh. Bail application file be tagged with main case file.

Pronounced in Open Court.
Dated: 20.08.2026
(Anil Kumar. JW)

(Dr. Rahul Bishnoi)
Additional Sessions Judge
Nuh.

Note: All the six pages of the order have been checked and signed by me.

Dated: 20.08.2026

(Dr. Rahul Bishnoi)
Additional Sessions Judge
Nuh.
(UID No. HR0209)