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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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Decided on : 13.05.2026

Ashok Kumar

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present : Mr. Kawalpreet Singh Virk, Advocate  
for the petitioner(s).

Mr. Pawan Kumar Jhanda, Sr. DAG Haryana

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**SANJAY VASHISTH, J. (Oral)**

1. Present petition has been filed under Section 483 of BNSS, seeking grant of regular bail, in case, FIR No.248, dated 05.08.2024, under Sections 20(b)(ii)(c) of NDPS Act (Section 29 of NDPS Act and Section 238(b) of BNS (corresponding 201 IPC added subsequently), registered at Police Station Pataudi, Gurugram.

2. Case of the prosecution is that on 05.08.2024, ASI Sanjay Kumar alongwith his other co-officials was present on crime patrolling duty, when he received a secret information that a person namely, Deshraj, is engaged in illegal selling of Ganja and he has stored heavy quantity of Ganja in his house of Village Nanu Khurd, Pataudi, District Gurugram. When raid was conducted in the presence of Bhagat Singh, AETO/DETC South Gurugram and Sarpanch, Numberdar, and Chowkidar of the village, 34 sacks of Ganja were recovered, total weighing 762 Kg 150 grams.

Co-accused Deshraj was arrested on 11.02.2025 from District



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Mathura and during interrogation, he disclosed name of one Nibas Biswas from Bhubaneswar (Odisha), from whom he had procured the alleged Ganja. Accused Deshraj further disclosed that another co-accused Jaswant @ Koki, who was also arrested on 01.07.2025, leading to addition of offence under Section 29 of NDPS Act.

During further interrogation the name of petitioner–Ashok Kumar and co-accused Ram Gopal also surfaced, resulting in their arrest on 04.07.2025.

3. Learned counsel for the petitioner argues that, petitioner is not directly involved in the recovery or possessing of any narcotic contraband in the present case. The role assigned to him is based solely on the disclosure statements of co-accused persons, alleging that petitioner arranged a Canter for transporting the narcotic contraband from Odisha and had visited State of Odisha with other co-accused for purchasing contraband.

Further submits that there is no other substantial evidence collected by investigating officer during the investigation except disclosure statement, which is inadmissible evidence as per law. Since nothing is to be recovered from the petitioner, who is inside jail for the period of last 10 months 09 days and any longer incarceration would serve no useful purpose. Thus, prays for grant of bail.

4. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate in the Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, the petitioner has already undergone 10 months and 09 days, period inside jail.

5. Learned State counsel, while opposing the prayer and submissions



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advanced on behalf of the petitioner, submits that there is CDR record available establishing regular contact between petitioner and co-accused and shows his presence alongwith them in the State of Odisha. Therefore, petitioner does not deserve any concessional relief and thus, prays for dismissal of the petition.

6. This Court has heard the submissions addressed by learned counsel for the parties and has also perused the record available on file.

7. Undoubtedly, the recovery in the case is substantial i.e. 762 Kg 150 grams of Ganja but it was recovered from the house of co-accused Deshraj on 05.08.2024. It is also observd that, petitioner's name surfaced in the case after the disclosure statement of co-accused Jaswant @ Koki on 01.07.2025 i.e. after a period of about 05 months of the alleged recovery.

It is admitted position that no narcotic contraband was recovered directly from petitioner. Regarding the petitioner's involvement in FIR No. 193 dated 22.03.2019, under Section 20 of NDPS Act registered at Police Station Camp Palwal, Palwal. Counsel clarifies that petitioner was implicated solely on a disclosure statement involving a non-commercial quantity and has already been granted bail in said case. Furthermore, out of total 53 prosecution witnesses, none has been examined till date. While the petitioner's visit to Odisha may be evidenced by CDR details, the prosecution must still prove the specific purpose of that visit and establish conscious possession, regarding the recovered quantity. At this stage, only on the basis of disclosure statements and CDR details, no definite opinion can be framed of petitioner's involvement in the case. Undoubtedly, charges are required to be proved beyond doubt, therefore, petitioner need not to be detained for longer period inside jail. Thus, this Court deems it appropriate to grant concession o bail.



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8. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. **Petition stands disposed of.**

**May 13, 2026**

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*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*

**(SANJAY VASHISTH)**  
**JUDGE**