

**IN THE COURT OF PUNEET SEHGAL, ADDITIONAL SESSION
JUDGE : GURUGRAM.
[UID : HR-0183]**

Bail Application No. : 292 of 2025
Date of Institution : 10.6.2025
CNR No. : HRGR-01-008600-2025
CIS No. : 2572-2025
Date of Order : 5.7.2025

Bijender @ Virender son of Chandervei r/o Indira Market near Anaz
Mandi, Najafgarh , Delhi.

.....**Applicant-accused.**

Versus

State of Haryana

.....**Respondent.**

FIR No. : 253 dated 22.04.2025
U/Ss : 20 (B) (ii), a,b.21C, 29 of NDPS Act
Police Station : Sadar, Gurugram.

**APPLICATION FOR ANTICIPATORY BAIL
UNDER SECTION 482 of BNSS**

Argued by :

Shri Naveen Panwar, Advocate for the applicant/accused.
Sh. Sumit Saini, PP for the State.

ORDER :-

This order of mine will dispose of an application for anticipatory bail moved under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'BNSS'), on behalf of applicant-accused, in case F.I.R. No. 253 dated 22.04.2025, under Sections 20 (B) (ii), a,b.21C, 29 of NDPS Act on the averments that name of accused Bijender has been recorded on the basis of disclosure

(Puneet Sehgal)
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statement of Sombir. It has been alleged that Bijender and Virender are two different persons. The applicant has no connection with Sombir. The quantity recovered from Sombir was intermediate quantity i.e. 328 grams charas and 24 grams ganja. It has been averred that though the applicant has been previously involved but he has already been granted bail in one of the cases. It has been alleged that Sombir and Aashish have also been granted bail vide order dated 26.5.2025 and 29.5.2025. Ratio of law as laid down in case titled as Deepak Kumar Vs. State of Punjab CRM-M 53376 of 2024 decided on 8.1.2025, P.Vijay Parav Vs. NCB Bail application no. 386 of 2024 decided on 2.2.2024, Mohd. Irshad Vs. State Bail application no. 994 of 2022 decided on 5.5.2022.

has been relied upon.

2. As per allegations in FIR on 22.4.2025 ASI Surender Kumar alongwith other police personnel was present at Bhakatawar Chowk for patrolling. A secret information was received that one Sombir was engaged in selling ganja(OG) and Sulfa (Charas) and was sitting in the ground of sector 39 and if raid is conducted, he can be apprehended red handed. On this information, raid was accordingly conducted. On pointing of secret informer, one person was apprehended, was given appropriate notices and on his checking 328 grams of charas(Sulfa) and 24 grams of ganja(OG) was recovered from his possession. He was formally arrested. On completion of formalities,

case property was deposited in the malkhana and the accused was put behind the bars. Legal Action was sought against the culprit.

3. This Court has heard the learned counsel for the applicant-accused and learned Public Prosecutor for the State and also gone through the record carefully.

4. In reply to said application it has been maintained that the name of accused has been disclosed in the disclosure statement of Sombir. It has been alleged that accused Maheshwar has already been arrested and 34.10 grams of ganja has been recovered, 17.86 MDMA, 5.58 grams of ganja patti and 11.8 kg of cookies numbering 212 pieces have been recovered from his possession.

5. On 29.5.2025 the court had granted bail to Sombir and on 26.5.2025 bail was granted to Aashish. There was a clear finding in the bail order that Sombir has suffered two disclosure statements wherein firstly on 23.4.2025 he had named Jagdish and Birender and on 26.4.2024 he named Ashsih and Jagdish from whom he had purchased drugs. The name of accused Bijender had cropped on the basis of disclosure statement. With regard to disclosure statement Hon'ble Supreme Court of India in **P KRISHNA MOHAN REDDY VERSUS THE STATE OF ANDHRA PRADESH**, 2025 Live Law (SC) 598 has been pleased to lay down the law in the following terms that :

(iv) Where such police statement of an accused is confessional statement, the rigour of Section(s) 25 and 26

respectively will apply with all its vigour. A confessional statement of an accused will only be admissible if it is not hit by Section(s) 24 or 25 respectively and is in tune with the provisions of Section(s) 26, 28 and 29 of the Evidence Act respectively. In other words, a police statement of an accused which is in the form of a confession is per se inadmissible and no reliance whatsoever can be placed on such statements either at the stage of bail or during trial. Since such confessional statements are rendered inadmissible by virtue of Section 25 of the Evidence Act, the provision of Section 30 would be of no avail, and no reliance can be placed on such confessional statement of an accused to implicate another co-accused.

(v) A confessional statement of one accused implicating another co-accused may be taken into consideration by the court against such co-accused in terms of Section 30 of the Evidence Act, only at the stage of trial, where (1) the confession itself was relevant and admissible in terms of the Evidence Act; (2) was duly proved against the maker; (3) such confessional statement incriminates the maker along with the coaccused and; (4) both the accused persons in question are in a joint trial for the same offence.

6. In light of the ratio of law and the fact that at this stage

Section 21(C) is not attracted against the accused. In the given scenario, the court thinks it proper, without commenting on the merits, to grant interim protection to enable him to join the investigation and co-operate. In the event of his arrest, he shall be released on interim bail subject to furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of Investigating Officer/Arresting Officer. The applicant shall abide by the conditions contained in Sub-Section (2) of Section 438 Cr.P.C. The applicant is required to join the investigation and the investigating officer shall submit the status report on 9.7.2025. If the applicant fails to comply and co-operate with the Investigating Agency, this order will stand vacated. Copy of this order be sent to the concerned Jail Superintendent for information.

9. However, anything expressed above to decide the present bail application, would have any bearing on the merits of the case.

Pronounced in open Court.
Dated: 5.7.2025

Santosh

(Puneet Sehgal)
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Note: Certified that this order consists of 5 pages and each page has been checked and signed by me.

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