

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-50404-2023  
Date of Decision: 11.10.2023

Ravinder @ Ravinder Singh ..... Petitioner  
  
Versus  
  
State of Haryana ..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Rajender Singh Malik, Advocate,  
for the petitioner.  
  
Mr. Vishal Kashyap, DAG, Haryana.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.499 dated 04.11.2022, under Sections 22(c), 29, 61, 85 of the NDPS Act, 1985 and Section 201 of the IPC, registered at Police Station Sampla, District Rohtak.
2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody for about 11 months and now the investigation of the case has been completed and thereafter, challan has also been presented before the competent Court. He further submitted that the petitioner is having clean antecedents and is not involved in any other case and it was on the basis of an information received by the police that one vehicle was coming from Delhi to Rohtak to supply the intoxicant. He also submitted

that it is a case where there is a *prima facie* violation of Section 50 of the NDPS Act and when the other co-accused, namely, Neeraj has filed a petition for grant of regular bail before this Court in CRM-M-30523-2023 vide Annexure P-5, this Court had elaborately dealt with the aforesaid violation of Section 50 of the NDPS Act and therefore, once there is a violation of Section 50 of the NDPS Act, the recovery, if any, gets vitiated. He further submitted that it is a case where the offer was made for the search being conducted in the presence of ASI himself or by any Gazetted Officer/Executive Magistrate and thereafter, one Gazetted Officer was called at the spot. In the aforesaid bail order passed in the co-accused, namely, Neeraj's case, this Court while referring to the judgment of the Hon'ble Supreme Court in "*State of Rajasthan Vs. Parmanand and another*", **2014(5) SCC 345** had granted bail to him on the ground of violation of Section 50 of the NDPS Act and therefore, the aforesaid reasons would also be applicable to the present petitioner as well. He further submitted that in this way the petitioner is at parity with the aforesaid co-accused, namely, Neeraj, who has been granted bail by this Court and therefore, he may also be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, learned DAG, Haryana. has stated that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the petitioner is not involved in any other case and has clean antecedents. He further submitted that the other co-accused, namely, Neeraj has been granted benefit of regular bail by this Court primarily on the ground of violation of Section 50 of the NDPS Act and therefore, on the aforesaid ground the petitioner is at parity with the

aforesaid co-accused.

4. I have heard the learned counsels for the parties.

5. This Court had an occasion to deal with the bail petition of co-accused, namely, Neeraj in CRM-M-30523-2023 wherein he was granted bail on the ground of violation of Section 50 of the NDPS Act and therefore, the bar contained under Section 37 of the NDPS Act will not apply in the present case on the aforesaid factual position pertaining to non-compliance of Section 50 of the NDPS Act the present petitioner is also at parity with the co-accused, namely, Neeraj. Apart from the above, the petitioner is stated to be not involved in any other case and has clean antecedents, as per the learned counsels for the parties.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

11.10.2023

*Bhumika*

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |