



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-48377-2024
Date of decision: 20.11.2024

Satish @ Kala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. DPS Bajwa, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed under Section 483 of BNSS, 2023 seeking grant of regular bail to the petitioner in case having FIR No. 134 dated 20.07.2024, registered under Sections 20(b), 27-A of NDPS Act, registered at Police Station, Garhi, District Jind.
2. The allegations in nutshell are that the police seized 10 kg of ganja from possession of co-accused Madan on 20.07.2024. Thereafter, petitioner was nominated as an accused on the basis of disclosure statement suffered by co-accused Madan to the effect that the aforesaid ganja was supplied to him by the present petitioner. Consequently, present petitioner was arrested on 01.08.2024.
3. The counsel for the petitioner inter alia submits that the alleged disclosure statement suffered by co-accused against the present petitioner is inadmissible in evidence. Further, during investigation, no contraband was



recovered at the instance of the petitioner who is in custody for the last more than 3 months and 19 days and is having no criminal history. It is further submitted that the aforesaid recovery of 10 kg of ganja comes under non commercial quantity and that on completion of investigation, challan has been presented and it will take time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail pending trial.

4. Status report by way of an affidavit of Amit Bhatia, Deputy Superintendent of Police, Narwana, District Jind, filed on behalf of the State is taken on record along with documents Annexure R-1 to R-3.

5. The present petition is resisted by the State counsel who on instructions from ASI Harjinder Singh submits that the petitioner was nominated as accused on the basis of disclosure statement suffered by co-accused Madan from whom police recovered 10 kg of ganja. However, the State counsel has not disputed the fact that petitioner is in custody since 01.08.2024 and is having no criminal antecedents and that police has presented challan against the present petitioner but the trial is at its initial stage.

6. I have considered the submissions made by counsel for the parties.

7. As per prosecution version, police recovered 10 kg of ganja from co-accused Madan which comes under non commercial quantity. Subsequently, petitioner was nominated as accused on the basis of disclosure statement of co-accused Madan. The relevance and veracity of the disclosure statement if any made by co-accused Madan against the present petitioner, will be tested during trial. The petitioner is in custody



since 01.08.2024 and no contraband is recovered from his conscious possession and challan stands presented but it will take time for the trial to terminate. Co-accused Madan is already granted regular bail by this Court vide order dated 07.11.2024 having CRM-M-54391-2024. In the given circumstances no purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.11.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No