



CRM-M-51354-2024

-1-

**239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-51354-2024
Decided on : 27.11.2024

Omender

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Abhimanu, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.448 dated 20.07.2024 under Section 15 of NDPS Act, 1985 registered at Police Station Adarsh Nagar District Faridabad.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case for allegedly having been found in possession of 8.800 kgs of poppy husk (small quantity) pursuant to a secret information received qua him. It has been argued by the learned counsel that although it is a case of false implication, however, even the recovery allegedly affected from the petitioner is far less than the minimum classified as commercial under the NDPS Act. It has still further been argued that



CRM-M-51354-2024

-2-

the petitioner has no previous criminal antecedents, hence, in the aforementioned facts and circumstances, since investigation in the present case is complete and challan stands presented, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Nasir, has not disputed that after the petitioner was arrested on 20.07.2024, challan had been presented before the trial Court concerned; learned State counsel on further instructions has also not controverted that the recovery allegedly affected from the petitioner is 8.800 kgs of poppy husk. However, it has been asserted by the learned State counsel that specific secret information had been received qua the involvement of the petitioner in drug trafficking following which the petitioner was intercepted and recovery affected after due compliance of the mandatory provisions of the Act.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 20.07.2024. The investigation in the case in hand is complete as challan stands presented. As many as 12 witnesses have been cited by the prosecution, however, since charges are yet to be framed, there is no likelihood of the trial concluding in the near future.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has no previous criminal



CRM-M-51354-2024

-3-

antecedents, this Court, therefore, deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

27.11.2024
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(MANJARI NEHRU KAUL)
JUDGE

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