



CRM-M-53288-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(287)

CRM-M-53288-2024  
Date of Decision : 24.10.2024

Rakesh Aggarwal @ Rakesh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. D.R. Singla, Advocate  
for the petitioner.  
  
Mr. Abhinash Jain, DAG, Haryana.

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KULDEEP TIWARI, J.(Oral)

- Through the instant petition, filed under Section 483 of BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No.153 dated 26.07.2024 (Annexure P-1), under Sections 22-B, 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Raipur Rani, District Panchkula, Haryana.
- In the instant FIR, the recovery of 209 grams of Tramadol tablets and 66 grams Alprazolam tables, has been effected from the present petitioner. It is not in dispute that the recovery, which is effected from the present petitioner, does fall under the ambit of non-commercial quantity, as the commercial quantity of Tramadol is 250 grams, whereas, the commercial quantity of Alprazolam is 100 grams. The petitioner has suffered incarceration of about 04 months, as on today, and he is not involved in any



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3. Learned State counsel, after having instructions from the quarter concerned, informs this Court that there are total five accused in the FIR (supra). He further submits that final report after completion of the investigation has been filed, and charges are yet to be framed in the instant case, and the prosecution has cited total 18 witnesses, out of which, none has been examined, as on date.

4. Learned State counsel, has also placed on record the custody certificate dated 23.10.2024, qua the petitioner, today in the Court. The same is taken on the record.

5. This Court has heard the rival submissions made by the learned counsel for the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons hereinafter extracted :-

*(i) that the petitioner has suffered incarceration of about 02 months, as on today, and charges are yet to be framed in the instant case;*

*(iii) The recovery effected from the present petitioner, does fall under the ambit of non-commercial quantity, and the trial is at the initial stage, in the instant matter, as no prosecution witness has been examined so far whereas, the prosecution has cited total 18 witnesses;*

*(iv) Further, the petitioner has clean antecedents and he is not involved in any other case.*

6. In view of the above, the instant petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty

Magistrate, concerned.

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7.                However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)  
JUDGE

October 24, 2024  
Manpreet

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