

2025:PHHC:025398



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

279

CRM-M-2127-2025 (O&M)
Date of decision: 21.02.2025

Jai Bhagwan**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Chirag Suri, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 345 dated 24.10.2024, registered under Sections 21B and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Pataudi, District Gurugram.

2. Brief facts of the case relevant for the disposal of the present petition are that on 24.10.2024, on the basis of a secret information, the petitioner was apprehended by a police party and recovery of 32 grams of heroin was effected from him. He was formally arrested at the spot. During the course of investigation, the petitioner admitted his guilt and involvement in sale/purchase of narcotic substances. He had moved an application before the Court for learned Additional Sessions Judge, Gurugram for grant of regular bail but the same had been dismissed, vide order dated 23.12.2024.

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3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. There is delay of 05 days in sending the sample for chemical analysis. Hence, tampering with the alleged contraband cannot be ruled out. Even otherwise, the quantity of the contraband allegedly recovered from the petitioner does not fall under commercial quantity. Investigation is still underway, which means that its completion and the conclusion of trial thereof would take a long time. The petitioner is in custody since 24.10.2024. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has argued that the petitioner was apprehended by the police at the spot on the basis of a secret information and recovery of 32 grams of heroin was effected from him. He was indulged in sale/purchase of narcotic substances. He is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party on 24.10.2024 and recovery of 32 grams of heroin was effected from him. The quantity of the recovered contraband does not fall within the ambit of commercial quantity. He is judicial custody since 24.10.2024. Investigation is stated to be underway and after completion of the same, the

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trial would to take time. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

21.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>