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

CRM-M-1879-2025 (O&M)

Reserved on : 21.02.2025

Pronounced on : 25.02.2025

Satish @ Mintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ram Singh Chaudhary, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of regular bail in case bearing FIR No. 168 dated 16.04.2024, registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) read with Section 120-B of IPC at Police Station Chandhut, District Palwal, Haryana.

2. Brief facts of the case relevant for the disposal of the present petition are that on 16.04.2024, a police party headed by ASI Rakesh was on patrolling duty and it received a secret information to the effect that a car make Swift Dzire, bearing registration number UP-16-FT-4245, was enroute from Noida to Palwal carrying *Ganja*. Believing the information to be reliable, a barrier was laid at the informed place and on spotting the said car, it was stopped. On interrogation, the driver of the car disclosed his name as

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‘Pawan’, whereas the passenger disclosed his name as ‘Satish @ Mintu’, who is the present petitioner. Thereafter, while following the usual formalities as prescribed under the NDPS Act, the search of the said car was conducted and recovery of 148 kgs. 460 grams of *Ganja* was effected, which was kept in six plastic sacks. Both of them were formally arrested at the spot. During the course of investigation, the petitioner suffered disclosure statement disclosing that one Doulat @ Doulat Ram had asked him to keep the contraband at the house of co-accused Pawan. On the basis of the same, Doulat @ Doulat Ram was nominated in this case and was arrested on 17.04.2024. Some other persons were also nominated in this case on the basis of the disclosure statements suffered by the co-accused and were arrested. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 08.11.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. There is nothing on record to connect the petitioner with the subject crime. Mandatory provisions of Sections 42, 50 and 52 of the NDPS Act were not complied with properly. No independent witness was joined. The alleged recovery has been planted upon the petitioner and co-accused. It is further argued that the investigation has since been completed and *challan* has been presented. The petitioner is in custody since 16.04.2024. Conclusion of trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore.

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Even otherwise, co-accused Doulat @ Doulat Ram has already been granted concession of regular bail by this Court, vide order 20.12.2024 passed in **CRM-M-56427-2024**. On the grounds of parity, the petitioner too deserves the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has vehemently argued that the petitioner is not entitled to get benefit of bail as he was apprehended at the spot along with above named co-accused and recovery of huge quantity of the contraband i.e 148 kgs. 460 grams of *Ganja* was effected from him and co-accused. There are serious allegations against him. It is further argued that since the quantity of the contraband recovered in this case falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The trial is going on at a proper pace. If the petitioner is released on bail, he can abscond or indulge in similar offences. The case of the petitioner is not at par with that of co-accused Doulat @ Doulat Ram as the latter was nominated in this case on the basis of the disclosure statement suffered by the co-accused. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard learned counsel for the parties at considerable length and has also perused the material placed on record.

6. As per the allegations, on the basis of a secret information, the petitioner and co-accused Pawan were apprehended by the police party on 16.04.2024 while they were coming in the aforementioned car and recovery of total 148 kgs. 460 grams of *Ganja* was effected from them. The quantity

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of the recovered contraband obviously falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner as nothing has been placed on record before this Court so as to believe that he did not commit the subject offence or in case, he is released on bail, he would not commit any such or similar offence. Although, learned counsel for the petitioner has argued that there were certain lacunas in the investigation with regard to compliance of procedure as prescribed under the NDPS Act, however, these questions cannot be decided by this Court at this stage as this Court is not supposed to conduct a mini trial while deciding a petition filed under Section 483 of BNSS seeking grant of regular bail. These questions have to be decided by the learned trial Court after appreciating the entire evidence and material produced on record before it.

7. So far as the claim of the petitioner for parity with co-accused Doulat @ Doulat Ram, who has been granted concession of regular bail by this Court, is concerned, it is explicit that the case of the petitioner is not on the same footing with that of said co-accused as he was not nabbed at the spot, was nominated in this case on the basis of the disclosure statement suffered by the co-accused and no subsequent recovery of any contraband was effected from him. Trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of trial. Hence, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of the contraband recovered in this case, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he

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does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

8. 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.

25.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No