



299

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3146-2025
Date of decision:-20.05.2025

RAHUL ALIAS JAHUL
...Petitioner

Versus

STATE OF HARYANA
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Farukh Abdullah, Advocate for the petitioner.

 Mr. Vipul Sherwal, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
148	10.10.2024	21 (C) of NDPS Act	Bichhor, District Nuh

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that petitioner was arrested on 10.10.2024 and as per prosecution’s case alleged recovery of 140 bottles of codeine phosphate of



100 ml each were effected from him. He contends that after completion of investigation challan has already been presented in Court, and conclusion of trial will take sufficient long time. Hence, prays for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that police had apprehended the petitioner and 140 bottles of codeine phosphate of 100 ml each were recovered from his conscious possession for which he could not furnish any license or permit. He submits that the recovered contraband falls within the purview of commercial quantity, attracting bar under Section 37 of the NDPS Act. Hence prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that a secret information was received on 10.10.2024 by the police that Rahul @ Jahul, deals in trade of contraband and is Village Naheda-Jakhokar, if raid conducted, he will be apprehended along with the contraband. Finding information reliable, police raided the place and identified the person named in secret information and from his conscious possession 140 bottles of codeine phosphate of 100 ml each has been recovered. The petitioner had failed to furnish any license or permit to be in possession, thereof. As per FSL report dated 26.11.2024 (Annexure R-3), Codeine Phosphate and Triprolidine in the recovered contraband has been found. Admittedly, the recovered contraband falls within the purview of commercial quantity attracting bar under Section 37 of the NDPS Act and no case is made out in favour of the petitioner for grant of regular bail at



this stage, as a consequence, the bail petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

7. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

20.05.2025

Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |