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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
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CRM-M No.8044 of 2025
Date of decision: 08.12.2025

Ram Mehar @ Susha ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raman Chawla, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
376	22.10.2024	Hansi Sadar, District Hansi,	20(b) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’)

2. As per the allegations, on 22.10.2024, on the basis of a secret information, the petitioner was apprehended and 1 kg. 50 grams of charas

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was recovered from his conscious possession. He was formally arrested. The recovered contraband was taken into custody. The investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case and recovery of contraband has been falsely planted upon him. He is in custody since long. The trial will take considerable time to conclude. His further incarceration will not serve any useful purpose. The provisions of Section 42 of NDPS Act were not complied with. The contraband allegedly recovered from him is 1 kg 50 grams of charas which is marginally above the threshold limit of non commercial quantity specified in notification issued under NDPS Act. More so, the weight of the polythene was also included which determined the quantity. It is, therefore, argued that he deserves to be released on bail.

4. Per contra, learned Deputy Advocate General, Haryana has argued that there are serious allegations against the petitioner. The rigors of Section 37 of NDPS Act are attracted in this case. The call detail record of the petitioner and the co-accused Bijender on the fateful day reveals that they had exchanged calls between them which shows their complicity in the crime. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

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6. The petitioner was arrested on 22.10.2024 and is in custody for a period of over 1 year and 1 month. No prosecution witness has been examined. It is, thus, indubitable that conclusion of trial will take time. The contraband allegedly recovered from the petitioner is marginally above the threshold limit of the non commercial quantity. In **Rajdev Giri versus State of Punjab**, CRM-M-44898-2019, decided on 18.09.2020; **Rahish versus State of Haryana**, CRM-M-36498-2020, decided on 11.11.2020; **Karambir versus State of Haryana**, CRM-M-31820-2019, decided on 28.08.2019; **Jagjit Singh @ Jagga Gill versus State of Punjab**, CRM-M-41242-2019, decided on 27.02.2020 and **Baljit Kaur @ Baljito versus State of Punjab**, CRM-M-12849-2020, decided on 04.06.2020, by Coordinate Bench of this Court, the accused had been extended benefit of bail in cases where the alleged recovery was slightly more than the quantity prescribed for commercial category under the NDPS Act. Taking into consideration the period of incarceration of the petitioner, in view of well settled proposition of law that prolonged incarceration militates against the most precious fundamental right of an accused guaranteed under Article 21 of the Constitution of India and in such a situation, the conditional liberty must override the statutory embargo created under Section 37 of NDPS Act, this Court is of the considered opinion that the rigors under Section 37 of NDPS Act stand diluted. The petitioner is not required for further investigation. His

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continued detention will not serve any useful purpose. Taking into consideration the above discussed facts, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner will not tamper with evidence.
- (ii) He will not absent himself on any date before the trial Court unless his presence has been exempted by securing appropriate orders.
- (iii) He shall surrender his passport, if any, with the trial Court.
- (iv) He shall also give details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

7. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

8. It is, however, clarified that the observations made hereinabove

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shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

08.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No