



224

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

CRM-M-8059-2025

Date of Decision:13.05.2025

NITISH RAI @ BITTU

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Gursimran Walia, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS with a prayer to grant regular bail to him in case FIR No.09 dated 03.01.2024, registered under Sections 20 of NDPS Act 1985, Police Station Sector 58, District Faridabad.

2. As per prosecution version, on the basis of the secret information, the petitioner was apprehended by the police party at the spot and 01 plastic katta of Ganja Patti (weighing 20 kg. 200 grams) was recovered from his conscious possession on 03.01.2024, which is marginally above commercial quantity.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and no recovery was effected from him. The petitioner is in custody since 03.01.2024 and the final report under Section 173 Cr.P.C. has already been presented against him. Trial is likely to



take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity. He has also filed reply by way of an affidavit of the Assistant Commissioner of Police, Mujesar, Faridabad on behalf of the respondent-State and the same is taken on record.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

13.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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