



CRM-M-8406-2025

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

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Decided on : 19.02.2025

Rajesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sanawar Ali, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, who has been booked for having committed the offences punishable under Sections 20, 25 and 27(a) NDPS Act, in FIR No.175, dated 17.07.2024, registered at Police Station HSIIDC Barhi, District Sonipat, during the pendency of trial.

2. Learned counsel for the petitioner *inter alia* contends that maximum of non-commercial quantity of the contraband i.e. Ganja is 20 Kgs in the schedule under NDPS Act. However, alleged recovery effected from the petitioner is 21.900 kg of Ganja. Counsel submits that petitioner is in custody since 17.07.2024 and that there are chances of false implication of the petitioner in the present case because just after recovery and arrest of the petitioner in the present case, on the next day itself i.e. on 18.07.2024 in another FIR bearing 179 dated 18.07.2024, under Sections 20 (b)(ii) of NDPS Act which was registered at the Police Station HSIIDC Barhi (same

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police station), District Sonipat, in which by recording the disclosure statement of main accused, the name of the petitioner was arrayed, though, there is no connectivity or direct evidence against the petitioner in case FIR No. 179 dated 18.07.2024. Later on petitioner was granted regular bail by learned trial Court vide order dated 16.01.2025 in FIR No.179. Thus, prays for grant of regular bail.

3. On the other hand, learned State counsel argued that recovery in the present case is commercial in nature and petitioner does not deserve any leniency, more for the reason that petitioner is found involved in another case also under the provisions of NDPS Act also, though there is no denial that FIR No. 179 dated 18.07.2024 was registered subsequent to the arrest of the petitioner in present case.

4. Considering the circumstances and totality of the facts that recovery from the petitioner is slightly above to the maximum of non-commercial quantity; and the trial is yet to start for recording of the statement of prosecution witness; and that petitioner is in custody for the last more than seven months; and cannot be kept behind bars for indefinite period, this Court deems it appropriate to consider the plea of the petitioner.

5. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.



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7. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 19, 2025
rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*