



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

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CRM-M-7995-2025

Date of decision: 21.04.2025

Sarfaraz @ Azad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikas Saroha, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.402 dated 29.05.2023 under Sections 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Suraj Kund, District Faridabad.

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 29.05.2023 in a case of false implication. Learned counsel has contended that a recovery of 20 injections of Bupernorphine was allegedly effected from the possession of the petitioner pursuant to some secret information received by the police. Learned counsel has contended that the petitioner's false implication in the present case finds due credence from the fact that he has no previous criminal antecedents, much less ever been involved in a



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case under the NDPS Act. It has been further submitted that even though challan was presented way back on 23.11.2023 followed by framing of charges on 02.12.2023, however, till date only 08 prosecution witnesses out of the 18 cited, had been examined, hence, there was no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. However, learned State counsel has contended that a specific secret information had been received qua the involvement of the petitioner in drug trafficking pursuant to which the aforesaid recovery of contraband (40 ml of Bupernorphine) was effected after due compliance of the mandatory provisions of the NDPS Act. Learned State counsel, on being pointedly asked, has not disputed that the petitioner has no previous criminal antecedents.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody for close to 02 years having been arrested on 29.05.2023. The possibility of the trial concluding in the near future looks remote. The petitioner, as also not disputed by the learned State counsel on instructions, has no previous criminal antecedents. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner

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be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

21.04.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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