



CRM-M-9446-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-9446-2025
Decided on: February 24, 2025

Vijay Kumar
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Vijay Kumar s/o Ami Chand, aged about 55 years	333	18.11.2023	15-C and 29 of NDPS Act, 1985	Uchana	Jind

2. Learned counsel for the petitioner submits that on the basis of secret information, a raid was conducted and as a result thereof present FIR has been registered against the petitioner (Vijay Kumar) and co-accused, namely, Narender Jeet, Prabhjot, Sunny, Ashok Kumar, Aslam



Masih, with the allegation of smuggling of poppy-husk. As per the version of the FIR, 11 plastic bags containing poppy-husk, total weighing 220 Kgs., were found from the spot, and each bag was weighing 20 Kgs. As per the allegations, the petitioner was sitting over one of the bag. Learned counsel for the petitioner, thus, argues that conscious possession of the recovered contraband and involvement of the petitioner in the present case, is the moot question that will depend upon the nature of evidence to be adduced by the prosecution. At this stage, it cannot be said that the petitioner was aware of the substance in the bag or he was having any control over the same. The investigation is complete and final report (challan) has already been presented in the Court. There are 24 prosecution witnesses, and the trial is likely to take long time to conclude. The petitioner is inside jail since 18.11.2023. He is aged about 55 years and no other criminal case or under the NDPS Act has been registered against him.

Further submits that the co-accused of the petitioner, namely, Ashok Kumar, Narender Jeet and Pawanpreet Singh (arrayed as an accused on the basis of disclosure statement of co-accused Narender Jeet), have already been granted the concession of bail by this Court, vide orders dated 23.01.2025 (Annexures P-3 to P-5), passed in CRM-M-65273-2024, CRM-M-46564-2024 and CRM-M-22080-2024, respectively. Thus, claiming parity, prays for grant of bail to the petitioner.

3. On advance notice, learned State counsel puts in appearance and while opposing the prayer made by learned counsel for the petitioner



submits that huge quantity of contraband, which is commercial in nature, has been recovered from the possession of the petitioner and other co-accused. However, learned State counsel is unable to controvert the other assertions advanced by learned counsel for the petitioner.

4. On being asked by the Court, there is no satisfactory reply with learned State counsel as to for what substantial reason further custody of the petitioner is going to serve any purpose to the prosecution.

5. Considering the totality of circumstances, and the submissions addressed by both sides, especially keeping in view the fact that three co-accused, namely, Ashok Kumar, Narender Jeet and Pawanpreet Singh, who are similarly situated to the petitioner, have already been extended the concession of bail, by this Court, vide orders dated 23.01.2025 (Annexures P-3 to P-5), different yardstick cannot be applied in the case of the present petitioner. Accordingly, I deem it appropriate to grant the concession of bail to the petitioner.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, 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.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is



expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

10. Petition stands disposed of

(SANJAY VASHISTH)
JUDGE

February 24, 2025
Pkapoor

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO