



Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Shamsher Singh @ Shamsher	7	11.01.2024	20 of NDPS Act, 1985 (Sections 27-A and 29 of NDPS Act added later on)	Sadar Bahadurgarh	Jhajjar

2. On receiving of secret information, Police team intercepted the petitioners while they were travelling in Honda Amaze Car bearing No.DL-8CAF-8003 and from the back seat and the diggi of the said car, total 202.400 Kg of *ganja* was recovered.
3. Learned counsel for the petitioner contends that though petitioner-Parveen has been projected as driver of the said car and petitioner-Shamsher Singh @ Shamsher is said to be allegedly occupying the seat besides the driver. Further contends that none of the accused has any connection with the alleged contraband or even the car because registered owner of the car is Ajit Singh, who on the basis of agreement sold the said car to one Deepak s/o Ramesh & none of them has been joined as accused in the case.
4. After completion of investigation, the challan was submitted on 04.07.2024 and charges were framed on 04.12.2024. Petitioners are inside jail for the period more than 1 year and 7 months & out of total 13 prosecution witnesses, only 2 have been examined till date. Delay in the process of trial cannot be attributed to the petitioners; rather, it is the prosecution who is responsible for the same and on that account, petitioners cannot be made to suffer incarceration for indefinite period.
- Additionally, it is also informed that none of the petitioners is



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involved in any other similar activity, punishable under NDPS Act. Learned counsel, thus, prays for grant of concession of regular bail to the petitioners.

5. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner(s), submits that allegations against the petitioners are serious in nature; hence, they do not deserve the concession of bail pending trial.

6. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds that the submissions addressed by counsel for the petitioner(s) are more impressive. On the other hand, it has not been pointed out by learned State counsel that the investigating agency had collected any such evidence, showing involvement of the petitioners in the crime. For proving the charges, there has to be positive or affirmative evidence with the prosecution which of course if available, can be produced during the course of trial.

7. In view of totality of circumstances, and the facts/allegations levelled against the petitioners, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioners.

8. Consequently, prayer made in the present petitions are **allowed**. Petitioner are ordered to be released on bail, subject to their 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.

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

10. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected



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

11. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petitions stand disposed of.

13. A photocopy of this order be placed on the file of the connected case.

27.08.2025

Rajeev (rvs)

**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**