

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

2025:PHHC:028974



(222)

CRM-M-10321-2025

Date of Decision: 28.02.2025

Ramesh Chand

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Punit Malik, Advocate for petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.139, dated 02.06.2023, under Section 20(b) (II) (B) of NDPS Act, registered at Police Station, DLF-III, Gurugram.

Learned counsel for the petitioner submits that petitioner has no previous criminal antecedents and has now been in custody since 02.06.2023 in a case of false implication. Counsel submits that a recovery of 9 kgs 400 grams of Ganja, which is less than the minimum classified as commercial under the Act was planted upon the petitioner. It has also been argued by the counsel that even though challan was presented way back on 28.07.2023, however, till date the trial has not concluded and there is no likelihood of the trial concluding in the near future as eight prosecution witnesses still remain to be examined.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the custody period of the petitioner, nor has it been disputed that the petitioner has no previous criminal antecedents and only eight prosecution witnesses out of 16 have been examined so far. However, learned State counsel has asserted that a specific secret information had been received qua the involvement of the petitioner in drug trafficking leading to an alleged recovery of 9 kgs 400 grams of Ganja which is less than the commercial quantity and falls within intermediary quantity under the Act.

On a further query put to learned State counsel, he has, on instructions submitted that the next date fixed before the learned Trial Court is 25.03.2025 when some of the remaining prosecution witnesses are likely to be examined.

I have heard learned counsel for the parties and examined the material on record.

The petitioner, even as per instructions received by learned State counsel has no previous criminal antecedents. The recovery allegedly effected in this case falls within the intermediating quantity. Since there is no likelihood of the trial concluding in the near future coupled with the long incarceration of the petitioner, this Court deems it fit to admit the petitioner to bail.

Accordingly, the instant petition is allowed and the petitioner 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.

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.

(MANJARI NEHRU KAUL)
JUDGE

28.02.2025

lucky

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