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

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CRM-M-10637-2025 (O&M)
Date of decision: 28.04.2025

Sukhdev**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. G. S. Hayer, Advocate
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail to the petitioner in FIR No. 231 dated 03.08.2024, registered under Section 20B(ii)C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar, Narwana, District Jind.
2. Brief facts of the case relevant for the disposal of the present petition are that on 02.08.2024, on the basis of a secret information, the petitioner was apprehended by a police party headed by ASI Dinesh Kumar and recovery of 1.018 kg. of *Charas* was effected from him. The petitioner was formally arrested at the spot. On interrogation, he disclosed that he had purchased the recovered contraband from one Ajay. After completion of necessary investigation and usual formalities, *challan* under Section 193(2) of BNSS was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offence. He had

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moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 03.02.2025.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He is not involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been filed. There are total 20 prosecution witnesses. However, none has been examined so far. The petitioner is in judicial custody since 03.08.2024. The trial is likely to take a long time. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has vehemently argued that the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from him. He was nabbed at the spot. There are multiple money transactions between the petitioner and co-accused Ajay, which establishes their involvement in drug peddling. FSL report has been received, as per which, the sample was identified as *Charas*. It is further argued that since the quantity of the contraband recovered from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against him. The petitioner is a habitual offender as several other criminal cases are pending against him. The trial may be expedited. The petitioner may abscond or indulged in similar offences, if released on bail. Hence, it is urged that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party and recovery of 1.018 kg. of *Charas* was effected from him. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. A perusal of the custody certificate of the petitioner reveals that the petitioner does not have clean criminal antecedents as he is involved in four other cases under the provisions of IPC and one case under the Arms Act. Hence, the apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences again cannot be stated to be unfounded keeping in view his criminal antecedents. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

28.04.2025

*Waseem Ansari***(MANISHA BATRA)**
JUDGE*Whether speaking/reasoned*
*Whether reportable**Yes/No*
Yes/No