



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

113

CRM-M-11154-2025 (O&M)**Date of Decision: 01.05.2025**

Sachin

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Ketan Antil, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in FIR No.204 dated 09.08.2024, registered under Sections 22(C), 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') [Section 27-A of NDPS Act added later on] at Police Station Sadar Ratia, District Fatehabad.

2. Allegations are that 22 bottles Codeine containing 100 ml. Each (total weighing 2938 grams) (commercial quantity) were recovered from co-accused-Mahender Singh @ Raju and petitioner has been nominated on the disclosure of above co-accused.

3. Contends that petitioner is in custody since 02.12.2024; final report under Section 193 BNSS was presented on 04.02.2025 and charges were framed on 28.03.2025. Further contends that out of 18 prosecution witnesses, none has been examined till date, thus, trial will take sufficient long time. Also contends that petitioner has been



nominated on the disclosure made by co-accused-Mahender Singh @ Raju and that there is no other criminal case pending against him.

4. Aforesaid factual position is duly acknowledged by learned State counsel on instructions from SI-Rameshwar Dayal, but he opposed the prayer.

5. Heard both sides and perused the paper-book.

6. Although recovery alleged against the co-accused, Mahender Singh @ Raju is commercial in nature, but, no contraband was recovered from the petitioner. Therefore, it would be debatable question as to whether petitioner was in any way connected with the alleged recovery effected from the co-accused; but, at this stage, it is very difficult to comprehend that petitioner was in conscious possession of the alleged contraband.

7. Thus, in such a scenario, there is no hesitation to record the “Twin Test” satisfaction in favour of the petitioner as per Section 37(1)(ii) of the NDPS Act in the following manner:-

(i) Prima facie, there is no material to indicate that petitioner was found in conscious possession of the alleged contraband; hence, being a debatable question, shall be decided during trial and in such a scenario, it is very difficult to say that petitioner is guilty of the alleged offence;

(ii) After registration of the FIR in question, petitioner has not been involved in any case under the NDPS Act.

8. Needless to say that above “Twin Test” satisfaction has been recorded only for the purpose of bail application and same be not treated as an opinion on pending trial.



9. As the, petitioner is in custody since 02.12.2024, final report under Section 193 BNSS was presented on 04.02.2025; charges were framed on 28.03.2025; out of total 18 prosecution witnesses, none has been examined till date; hence trial will take sufficient long time. Therefore, further incarceration of the petitioner would not serve any purpose.

10. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).

12. The above observations be not construed as an expression of opinion on the merits of the case.

13. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

01.05.2025

Harish Kumar

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No