



CRM-M-13276-2025

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

234

**CRM-M-13276-2025
Decided on :29.07.2025**

Netar Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. B.S. Toor, Advocate
Mr. Dinesh Kumar, Advocate
for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.23 dated 22.01.2025, under Sections 15(b), 61 and 85 of NDPS Act, registered at Police Station Meham, District Rohtak.

2. Learned counsel for the petitioner submits that, the recovery in the instant case is 4.368 kgs of poppy husk, which is much less to the maximum of non-commercial quantity i.e. 50 kgs Learned Counsel further submits that petitioner is in custody for a period of last six months.

Counsel also submits that, out of total 20 prosecution witnesses, none has been examined till date. Counsel also submits that, petitioner has clean antecedents, as no previous criminal cases has ever

**CRM-M-13276-2025****2**

been registered against him. Accordingly, petitioner prays for the grant of regular bail.

3. On the other hand, learned State Counsel, while opposing the prayer for bail, has produced the custody certificate in Court and submits that investigation is still ongoing, and the role of the petitioner in the illicit trafficking of narcotic substances is under scrutiny. The recovery, though non-commercial, is not negligible and indicates the petitioner's active involvement in the illegal trade. Counsel also submits that granting bail at this stage may hamper the investigation and send a wrong signal, especially in matters involving public interest. Accordingly, learned State counsel prays for the dismissal of the present petition.

4. Having considered the rival submissions made by learned respective counsel and upon perusal of the material on record, it is noticed that the recovery effected in the present case is of four kilograms and three hundred sixty-eight grams of poppy husk, which is admittedly below the commercial quantity as defined under the NDPS Act. It is also not disputed that the petitioner has been in custody for the last six months, and no other case of similar nature is shown to be pending against him. Moreover, till date, none of the prosecution witnesses have been examined out of a total of 20, and the culmination of the trial is likely to take considerable time. The personal liberty of the petitioner cannot be curtailed indefinitely, especially in the absence of any substantial progress in the trial proceedings. The involvement of the petitioner in the alleged offence is yet to be established. In view of the

**CRM-M-13276-2025****3**

totality of circumstances and without commenting on the merits of the case, this Court finds merit in the petitioner's prayer for bail.

5. 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

29.07.2025*Rashmi*

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