



CRM-M-14060-2025(O&M)

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

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CRM-M-14060-2025(O&M)

Decided on :22.05.2025

Mohammad Hasan @ Hasana

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Manvinder Sidhu, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.0177 dated 21/12/2023, under Section 18 of NDPS Act, 1985, registered at Police Station Lalru, District SAS Nagar.

2. As per the case of the prosecution, while on routine patrolling duty, the police party was proceeding to Ambala–Chandigarh road, at about 4:30 p.m., reached the old Sales Tax barrier, Bharmadi. At that time, the petitioner was noticed standing on the left side of the road, ahead of the said barrier, carrying a black and sky-blue coloured backpack (pithu bag) on his right shoulder. On account of suspicion, the police party followed the petitioner into the nearby bushes. Upon conducting a search of the bag carried by him, opium weighing 4 kilograms was allegedly recovered.



3. Learned counsel for the petitioner submits that the maximum limit for non-commercial quantity is 2.5 kilograms, and in the present case, the recovered quantity is only slightly above that limit. He further submits that the contraband recovered cannot be considered a huge commercial quantity.

It is also submitted that the petitioner has clean antecedents, as he is neither a previous convict nor involved in any other similar offence. Despite the completion of the investigation, submission of the challan/final report, and the petitioner having been in custody for more than one year and five months, not a single prosecution witness has been examined till date.

In such circumstances, learned counsel contends that the personal liberty of the petitioner is at stake, particularly in the absence of a speedy trial, and therefore, prays for the grant of regular bail.

4. On the other hand, learned State counsel, while opposing the prayer for bail, submits that the recovered contraband is of a commercial quantity, being 1.5 kilograms more than the upper limit of non-commercial quantity. He argues that releasing the petitioner on bail may send a wrong message to society, particularly to other youths who are frequently involved in similar offences.

However, learned State counsel does not dispute the fact that the final report (challan) has already been submitted upon completion of the investigation, and that none of the prosecution witnesses, out of a total of ten, has been examined till date. He also confirms that the



petitioner has no history of involvement in any similar offences in the past.

5. Heard learned counsel for the parties and perused the material available on record. It is noted that the petitioner is 48 years of age and has been involved as a first-time offender in the present case. The petitioner has already undergone incarceration for a period of one year and five months, and out of a total ten prosecution witnesses, none has been examined till date. In all likelihood, the witnesses are official in nature, and the trial is expected to take considerable time.

In view of the above, this Court is of the considered opinion that the petitioner deserves an opportunity to rehabilitate and reintegrate into society. Thus, without making any comments or observations on the quality/standard of the evidence collected by the prosecution, primarily considering the long incarceration and non-examination of the material witnesses, to the view point of this Court, personal liberty of the petitioner cannot be curtailed for an indefinite period.

6. Considering the aspects and circumstances, 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. 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

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independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

9. Petition stands disposed of.

10. As the main case has been allowed, no separate order is required to be passed in CRM-12210-2025, the application seeking interim bail, accordingly disposed of.

(SANJAY VASHISTH)
JUDGE

22.05.2025*Rashmi*

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