



CRM-M-16336-2025

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

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CRM-M-16336-2025

Decided on :31.07.2025

Najim @ Mohd. Nazim Khan

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Afjal Hussain, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.196 dated 25.12.2024(P-1), under Section 21(b) of NDPS Act, registered at Police Station Rozka Meo, District Nuh.

2. Learned counsel for the petitioner submits that recovery in the instant case is 41.11 grams of heroin, which is below the threshold for a commercial quantity. Counsel further submits that, the petitioner is in custody since 26.12.2024. It is also submitted that the process of recording statements of the prosecution witnesses has not yet commenced, and therefore, the trial is likely to take considerable time. Accordingly, the petitioner prays for grant of regular bail.

3. On the other hand, learned State counsel, while opposing the bail application, submits that the petitioner's role in the illicit trafficking

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of narcotic substances is still under scrutiny. Although the recovery is below the commercial quantity, it is not negligible and indicates active involvement of the petitioner 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. Learned State counsel further submits that, petitioner is involved in another case, FIR No. 259/2022, registered under Sections 20(b)(ii) and 61 of the NDPS Act at Police Station Rozka Meo. Accordingly, the State prays for dismissal of the present petition.

However, learned counsel for the petitioner submits that the petitioner is currently on bail in that case.

4. Having considered the rival submissions and upon perusal of the material on record, it is noticed that the recovery in the present case is 41.11 grams of heroin, which is admittedly below the commercial quantity as defined under the NDPS Act. It is also undisputed that petitioner is in custody since 26.12.2024. Furthermore, recording of statements of the prosecution witnesses has not yet commenced, and the trial is likely to take considerable time for completion. The personal liberty of the petitioner cannot be curtailed indefinitely, especially in the absence of substantial progress in the trial proceedings. Petitioner's involvement in the alleged offence is yet to be established. In view of the totality of circumstances and without commenting on the merits of the case, this Court finds merit in the petitioner's prayer for bail.

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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

31.07.2025*Rashmi*

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