



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

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**CRM-M-16967-2025
Decided on : 02.04.2025**

Kismat Ali

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Mr. Dharamvir Sharma, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.293 dated 28.10.2024, under Section 20 (b)(ii)B of NDPS Act, 1985, registered at Police Station Sector 40 Gurugram, District Gurugram.

2. Learned counsel for the petitioner contends that it is a first case registered against the petitioner in which prosecution has shown recovery of 9.6 Kgs of *ganja* from his possession and same can be considered as intermediate quantity, which is higher than the small quantity and much lesser to the non-commercial quantity. Counsel further submits that petitioner is in custody since 28.10.2024. Counsel also submits that petitioner is having clean antecedents, as there is no other case against the petitioner under the provisions of NDPS Act. Counsel contends that petitioner being 38 years of age is the only person to earn livelihood for the family, thus, prays for grant of regular bail.

3. On the other hand, learned State counsel submits that report under Section 173 Cr.P.C. has been presented, but the process of recording of

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the prosecution witnesses is yet to start. Learned State counsel also confirms the fact that there is no other case registered against the petitioner under the provisions NDPS Act.

4. Looking at the circumstances in its entirety and the fact that challan has already been presented and the process of recording of prosecution witnesses is yet to start, also the fact that there is no other case against the petitioner under the provisions of NDPS Act, present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

5. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

6. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

7. 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.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 02, 2025*Rashmi**Whether speaking/reasoned: Yes/No**Whether Reportable: Yes/No*