



CRM-M-18877-2025

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

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CRM-M-18877-2025

Decided on :26.09.2025

Sunil @ Dhilllo @ Sunil Kumar

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ravi Chawla, Advocate for the petitioner.

Mr. Amish Sharma, Asst. A.G., Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.298 dated 19.05.2024, under Sections 20, 29 of NDPS Act, registered at Police Station Kundli, District Sonapat Haryana and charges were framed under Sections 20,25,29 of NDPS Act.

2. As per the allegations in the FIR, upon receiving secret information regarding the petitioner and his co-accused, namely Harish Kumar @ Thapa, who were allegedly going to Narela from Village Nahra via Rampur Border, Village Nahri, in a car bearing registration number DL4 CAX 9249, a police team set up a naka/checkpoint. The aforesaid car was intercepted at the checkpoint.

Petitioner, who was driving the car, disclosed his identity, while the other occupant seated in the front passenger seat identified



himself as Harish Kumar @ Thapa. It was co-accused Harish Kumar @ Thapa who was found in possession of a black-colored polythene bag, bearing the label "CORE FUEL WHEY PROTEIN POWDER" printed in black and yellow. Upon search, the bag was found to contain *charas* weighing 2.400 kilograms.

3. Learned counsel for the petitioner submits that no recovery was effected from the personal possession of the petitioner. It is further explained that, even as per the FIR, the recovered contraband was not visible to anyone, as it was contained in a black-colored polythene bag bearing the name and branding of a protein supplement. Therefore, the moot question before the learned trial Court, at the appropriate stage, would be whether the petitioner was in *conscious possession* of the recovered contraband, merely by virtue of being present in the same vehicle.

It is further submitted that the car in question did not belong to the petitioner, but to one Deepak Sharma, and petitioner happened to be driving the said vehicle at the relevant time.

Counsel further contends that petitioner is in custody since 19.05.2024, i.e., for the last approximately 1 year and 4 months, and out of a total of 19 prosecution witnesses, only 02 have been examined to date. Thus, it is argued that the trial is likely to take a considerable amount of time.

4. While not pressing the petition on merits, learned counsel points out the petitioner's adverse family circumstances. It is submitted



that there is no other male member in the petitioner's family to look after his minor children, and his wife is presently hospitalized at Nova Care Hospital, Burari, Delhi, having suffered a paralytic attack.

Being the sole breadwinner of the family, counsel prays for a sympathetic view to be taken, considering the humanitarian aspects and family hardship.

5. Counsel also refers to paragraph No. 9 of the petition and submits that the petitioner is involved in five other cases. The details of the said cases are as follows:

“i) FIR no.522, Dated:- 17.10.2020, U/S- 25-54-59 of Arms Act, P.S.:- Kundli

ii) FIR no. 374/2012, u/s 33,38 of Excise Act, P.S.:-Narela Delhi

iii) FIR no. 783/2017, U/S 336 of IPC, 25/27 of Arms Act, P.S.:- Narela Delhi

iv) FIR no. 87/2018, U/S:- 186,353,332,307,34 of IPC, 25/27 of Arms Act, P.S.:- Narela, Delhi

v) FIR no. 184/2019, U/S 33/38 of Excise Act, P.S. Burari, Delhi

Mr. Ravi Chawla, learned counsel for the petitioner, submits that petitioner, aged 34 years, has no past involvement in any offence punishable under the provisions of the NDPS Act. It is further submitted that petitioner has been falsely implicated in the present case. Accordingly, a prayer is made for grant of bail.

6. On the other hand, learned State counsel submits that, since the petitioner was driving the car and was accompanied by a known co-passenger seated beside him, he cannot claim total ignorance of the



factual situation that led to the recovery of the contraband (*charas*) from the co-accused. It is further argued that the petitioner has not taken any plea that he was driving a taxi or that the co-passenger was unknown to him. Therefore, the explanation now being advanced by the petitioner before this Court is not acceptable.

Referring to the registration of five other criminal cases against the petitioner, learned State counsel submits that this reflects the petitioner's involvement in multiple criminal activities. However, learned State counsel fairly concedes that the petitioner has not previously been found involved in any other offence punishable under the NDPS Act.

7. Upon examining all the circumstances of the case, as submitted by the respective counsel and recorded hereinabove, and after perusing the complete record appended with the petition along with the grounds taken therein, this Court finds that petitioner has already undergone a substantial period of custody, i.e., approximately 01 year and 04 months.

The question as to whether petitioner was in conscious possession of the recovered contraband (*charas*) or not, which, admittedly, was found in the lap of the co-accused, is a matter that requires determination during the course of trial. Further, trial is progressing at a slow pace, as only two out of the total 19 prosecution witnesses have been examined so far. This Court finds merit in the prayer made by the petitioner.

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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.

8. 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.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

26.09.2025*Rashmi*

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