



CRM-M-19135-2025

1

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

232

**CRM-M-19135-2025
Decided on :23.07.2025**

Bhartri

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.208 dated 31.07.2024, under Sections 20(b)(ii)C, 61-85/29 of NDPS Act, registered at Police Station Madlauda, Panipat.

2. Learned counsel for the petitioner submits that a recovery of 1.203 Kgs of charas has been effected from the possession of the petitioner. Counsel further submits that co-accused, namely Sonu, who was involved in the case as a supplier and whose name was disclosed by the petitioner, has already been granted bail by this Court, vide order dated 18.03.2025, passed in CRM-M-13585-2025 (P-3). It is also submitted that the alleged recovery in the present case is marginally above the maximum of non-commercial quantity, i.e., 1 Kg.



Counsel further contends that no independent witness was joined at the time of the recovery. Petitioner is in custody since 31.07.2024, but none of the prosecution witnesses have been examined till date, despite there being a total of 24 prosecution witnesses. Counsel also submits that petitioner has clean antecedents, as no previous criminal cases has ever 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 the quantity recovered in the present case should be considered as a commercial quantity, and therefore, petitioner is not entitled to the concession of bail. Accordingly, learned State counsel prays for the dismissal of the present petition.

4. Having considered the rival submissions and upon perusal of the record, this Court finds substance in the submissions made by counsel for the petitioner. It is observed that the recovered contraband, i.e., 1.203 Kgs, was found inside a black-colored polythene bag, and the weighing was done along with the polythene when the contraband was still inside the bag. Therefore, learned trial Court will need to examine whether the weighing process followed by the Investigating Officer was in accordance with the prescribed norms, rules, or guidelines, or whether it was conducted without adhering to any such norms.

Additionally, petitioner is aged about 52 years and is in custody since 30.07.2024. The culmination of the trial is likely to take considerable time, personal liberty of the petitioner cannot be curtailed

**CRM-M-19135-2025****3**

indefinitely, especially considering that, till date, none of the prosecution witnesses have been examined. The involvement of the petitioner in the offence is yet to be established. Furthermore, it is pertinent to note that co-accused Sonu, who is also involved in the case as a supplier, has already been granted bail by this Court. In view of the totality of the circumstances, 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

23.07.2025*Rashmi*

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