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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21458-2025
Decided on : 13.08.2025

Rakesh . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Himani Anand, Advocate
for the petitioner(s).

Mr. PK Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rakesh	262	11.08.2024	18/25 of the NDPS Act, 1985	Kunjpura	Karnal

2. As per allegations, from the possession of the petitioner, from a polythene bag in his possession, ‘opium’ weighing 2 kg and 680 grams was recovered.

3. Learned counsel for the petitioner contends that the quantity of recovered contraband is only slightly above the maximum limit of non-commercial quantity, i.e., 2.5 kg, and whether the weighing process adopted by the investigating team at the time of recovery was as per the prescribed norms or not would be seen during the course of trial. The slight difference



in weight may tilt either side, affecting the maximum sentence period in the case, if at all the charges are proved by the prosecution.

4. Learned counsel further contends that, apart from the present case, the petitioner was found involved in one more case, i.e., FIR No. 331/2019, under Sections 15/25 of the NDPS Act, registered at P.S. Butana, Karnal, in which he is already on bail. Thus, submits that the petitioner, being inside jail for a period of more than one year, be granted the concession of regular bail in view of the aforesaid circumstances.

5. On the other hand, learned State counsel has filed status report dated 11.08.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

6. While vehemently opposing the prayer for bail, learned State counsel submits that, in view of the substantial recovery of narcotic contraband, the petitioner is not entitled to the concession of regular bail without first establishing his innocence. Besides, earlier also, one case was registered against him for similar activity.

It is further informed by learned State counsel that the petitioner has been inside jail for the last about one year, as he was arrested on 11.08.2024. However, the process of recording the statements of the prosecution witnesses is yet to start, as out of a total of 15 prosecution witnesses, none has been examined so far.

7. Therefore, taking note of the submissions and the circumstances, noticed here-above, I deem it appropriate to consider the



petitioners' plea for grant of bail.

8. 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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

10. The observation made here-in-above 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.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 13, 2025

J.Ram

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