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

CRM-M-23247-2025

Date of decision : 21.05.2025

Ankit Sharma**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. S.K. Tripathi, Advocate and
Mr. Mittardeep Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.85 dated 22.03.2025, under Sections 18 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mahesh Nagar, District Ambala.
2. As per the case of the prosecution, the police on 22.03.2025, received a secret information that Ankit Sharma S/o Sahab Baksh Sharma had planted opium plants in the Garden of Bethel Indian Pentecostal Assembly Church. It was informed that he was planning to uproot the opium plants and was planning to uproot the opium plants. On receiving the information, notice under Section 42 of NDPS Act was prepared. A raiding team was constituted and the Police reached at the compound of the said Church. Ankit Sharma as disclosed was found present. He was given the notice under Section 50 of the NDPS Act and thereafter, in the presence of BDPO, Narayangarh, District Ambala, the search of the compound was conducted and 80 opium plants were found planted in the

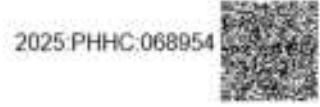


compound. The petitioner failed to produce any permission or sanction for planting the same and thus, FIR was registered and he was arrested on the spot. The 80 opium plants, on weighing, found to be 5 kg 722 grams. On registration of FIR, investigation commenced. Samples taken were sent to the FSL. Petitioner approached the Learned Additional Sessions Judge, Ambala for grant of bail, however, after hearing both the sides, the same was declined by the Learned Additional Sessions Judge, Ambala vide order dated 22.04.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the petitioner is a poor person who is working as a gardener in the Church. He submits that the allegations against the petitioner are without any basis. He has submitted that the petitioner is a gardener and the opium plants recovered, were never planted by the petitioner. He submits that the investigation is complete and as the petitioner has no criminal antecedents, he deserves to be granted regular bail.

4. Reply by way of an affidavit of Mr. Ramesh Kumar, HPS, Deputy Superintendent of Police, Ambala Cantt, has been filed on behalf of respondent-State, in the Court today and same is taken on record.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that petitioner is admittedly the gardener in the Church and the opium plants were planted by him. The secret information was specifically received against him. He submits that as per the FSL report, it has been confirmed that the plants were of the opium. He has produced the custody certificate of the petitioner.



6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner, as submitted, is a gardener in the Church. The FIR has been registered on the basis of secret information. The investigation already stands complete. As per custody certificate, the petitioner has suffered an incarceration of 1 month and 27 days as on 19.05.2025. It further shows that he has no criminal antecedents.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.05.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No