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

CRM-M No.24127 of 2025
Date of Decision: 16.09.2025
Reserved on: 05.09.2025

Raju Yadav

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ajay Arora, Advocate and
Ms. Divya Narula, Advocate,
for the petitioner (through Video Conferencing).

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.512 dated 20.06.2023 registered under Section 17(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Civil Lines Sirsa. District Sirsa. The first petition filed by the petitioner bearing CRM-M No.16421 of 2024 had been dismissed vide order dated 06.11.2024 registered on the allegations that on 20.06.2023, he along with the co-accused was found in conscious possession of 3 kgs and 30 grams of opium. His previous petition had been dismissed by

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making the following observations:-

“6. As per the allegations, the petitioner was apprehended by the police party on 20.06.2023 and recovery of 3 kgs and 30 grams of opium was effected from him. Trial is going at a proper pace. So far as the claim of the petitioner with regard to parity with the co-accused, who has been granted benefit of bail, is concerned, it can be stated that the case of the petitioner is not on similar footing with that of the co-accused as no recovery was effected from the co-accused, whereas the petitioner was apprehended at the spot. Since the quantity of recovered contraband falls under the commercial quantity, hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The apprehension expressed by learned State counsel that the petitioner may indulge in similar offences, if released on bail, cannot be stated to be unfounded. Therefore, keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.”

2. Learned counsel for the petitioner has argued that the period of over ten months has passed from the date of dismissal of the previous petition as filed by the petitioner and on the ground of extended period of incarceration and by further submitting that the trial is still likely to take time, he has argued that the petition deserves to be allowed.

3. Status report has been filed. While refuting the contentions as raised by the petitioner, it is argued by learned Deputy Advocate General, Haryana that there is no drastic or substantive change in the circumstances since the date of dismissal of the previous petition and it is, therefore, urged

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that the petition does not deserve to be allowed.

4. This Court has considered the rival submissions.

5. The only new ground that has been taken by the petitioner in this petition, is extended period of incarceration, The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. There is no drastic change in the circumstances since the dismissal of previous petition. The allegations against the petitioner are serious in nature as commercial quantity of contraband was recovered from conscious possession of himself and the co-accused, therefore, keeping in view the gravity of the allegations, this Court is of the opinion that no new ground for extending benefit of bail to the petitioner is made out. Accordingly, the petition is dismissed.

6. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

16.09.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No