

**Sr. No.214****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-25541-2025 (O&M)****Date of decision: 15th May 2025****HARISH KUMAR****.....Petitioner****versus****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Bharat Arya, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.17 dated 19.01.2025, under Sections 18(b) [later on converted to 18(C)], 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “*NDPS Act*”), registered at Police Station Badhra, District Charkhi Dadri (Annexure P-1).

2. As per the prosecution case, on 19.01.2025, on receiving secret information, a raid was conducted by the police and the petitioner-Harish Kumar and his co-accused/Mandeep @ Prabhu, being in possession of 150 grams of opium, were apprehended.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is behind bars since 19.01.2025. Charges have been framed and challan/final report under Section 173 Cr.P.C. has been presented before the trial Court. The conclusion of trial is likely to take time. It is further contended that the alleged recovery from the petitioner does not fall under the “commercial quantity”.



4. Learned State counsel has filed custody certificate dated 13.05.2025, reflecting actual custody period of the petitioner as 03 months and 21 days, which is taken on record.

4.1 Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. However, it is confirmed that the petitioner is not involved in any other criminal case. He further confirms that charges have been framed and challan/final report under Section 173 Cr.P.C. has been presented before the trial Court.

5. I have considered the aforesaid contentions and perused the record. The petitioner is behind the bars for the last 03 months and 21 days. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. The charges have been framed and the trial of the case has not made much progress. The conclusion of trial is going to take time. The petitioner is not having history of any criminal antecedents. The alleged recovery of contraband does not fall under the “commercial quantity”. As such, without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail during the pendency of the trial, on his furnishing bonds/surety bonds/two local sureties to the satisfaction of the trial Court/Duty Magistrate.

6. Pending miscellaneous applications, if any, shall stand disposed of.

15th May 2025
simran

(HARPREET KAUR JEEWAN)
JUDGE

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