

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRM-M-35174-2024 (O&M)
Date of Decision:-22.05.2025

KASHMIR SINGH

....Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Deepak Kohli, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG Haryana.

Mr. Rajiv Sharma, Special Public Prosecutor
for respondent No.2-NCB.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 CrPC for grant of regular bail to the petitioner in the following
case :-

Crime No.	Dated	Sections	Police Station
5	11.04.2024	8, 18 and 29 NDPS Act	NCB Zone, Chandigarh

2. It is, *inter alia*, contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case. He
contends that the alleged recovery has been planted upon the petitioner and
even otherwise the recovery falls within the purview of intermediate
quantity. He submits that the petitioner is in custody since 11.04.2024 and



after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned counsel representing the NCB while referring to the reply filed by NCB has opposed the petition on the ground that the petitioner was apprehended on the basis of specific secret information and 2 KG of opium was recovered from his conscious possession. He submits that the petitioner does not deserve the concession of bail and prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner was apprehended by NCB on 11.04.2024 consequent upon a secret information that petitioner is carrying huge quantity of opium. Upon search, 02 packs from the bag of the petitioner containing opium, weighing 02 kg, were allegedly recovered by the raiding team. Accordingly, the petitioner was arrested and since then he is in judicial custody. Admittedly, the alleged recovery falls within the category of intermediate quantity and does not attract the rigors of Section 37 of the NDPS Act. After the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 12 witnesses, however, only 02 witnesses have been examined till date. As per the record, the petitioner is not having any criminal antecedents and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served



by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, in future, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

22.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No