

CRM-M-35469-2024

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

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**CRM-M-35469-2024
Decided on :06.05.2025**

ASLAM MASIH

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner(s).

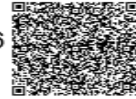
Mr. Surender Singh Pannu, Addl. A.G., Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner – Aslam Masih , aged about 27 years, has filed instant petition seeking regular bail in case FIR No.333, dated 18.11.2023, under Sections 15(c) and 29 of the NDPS Act, 1985 registered at Police Station Uchana, District Jind, during the pendency of trial.

2. Learned counsel for the petitioner contends that the petitioner is not involved in any other similar criminal activity. The only allegation against the petitioner is that, at the time of the raid, he was found sitting on one of the bags, which was allegedly found to contain approximately 20 kilograms of poppy husk.

Counsel submits that the total quantity of contraband has been calculated by aggregating the weight from all the bags in the possession of nine accused persons, six of whom were arrested at the spot. It is further submitted that, according to the prosecution, the total weight of the contraband recovered from the site is 220 kilograms of poppy husk.



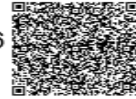
However, the question of conscious possession is yet to be determined, particularly whether the bag on which the petitioner was allegedly sitting belonged to him and whether he had knowledge of its contents. At best, the prosecution can attribute possession of only the 20-kilogram bag to the petitioner, which would fall under the category of non-commercial quantity.

3. Learned counsel contends that co-accused, namely Prabhjot, Narender Jeet, Ashok Kumar, and Vijay Kumar, have already been granted the concession of regular bail by this Court vide orders dated 23.01.2025 and 24.02.2025. To substantiate his argument, learned counsel has produced copies of the aforementioned bail orders. Same are taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

4. Counsel submits that investigation has already been completed and final report has also been submitted along with the list of total 24 prosecution witnesses. Only one of them has been examined, and remaining 23 are yet to be examined. Counsel further contends that the culmination of trial is likely to take considerable time. Petitioner is inside the jail since 18.11.2023. Thus, counsel for the petitioner prays for grant of regular bail to the petitioner.

5. On the other hand, learned State counsel, while opposing the prayer made by counsel for the petitioner, submits that huge quantity of contraband, which is commercial in nature, has been recovered at the time of raid. The status of trial is also confirmed by learned State counsel

However, learned State counsel is not in a position to

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explain that once, the accused/petitioner is not involved in any other case, for what purpose he is required to be kept inside jail.

6. Considering the aspects and circumstances, 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.

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

8. The observation made hereinabove 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.

9. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

06.05.2025*Rashmi*

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