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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-35945-2024  
Date of decision:-25.03.2025

MUNNA SHAH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amit Jaiswal, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.  
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SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 24.03.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections       | Police Station                                 |
|---------|------------|----------------|------------------------------------------------|
| 565     | 23.11.2022 | 20 of NDPS Act | Mahesh Nagar, Ambala Cantt,<br>District Ambala |

3. Arguments heard.

4. 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 no alleged recovery ever took place from the petitioner even as per the allegations in the FIR the recovery of 22 kg and 160 grams of



ganja allegedly recovered from the petitioner is marginally above the non commercial quantity. He contends that the petitioner is in custody since 23.11.2022, and after completion of investigation challan has already been presented in Court, wherein prosecution has cited 14 witnesses and till date only 2 witnesses have been examined. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by submitting that 22 kg and 160 grams of ganja was recovered from the possession of the petitioner, which falls within the purview of commercial quantity, as such, he does not deserve concession of bail. However, he has not denied the fact after completion of investigation challan has been presented for trial, wherein prosecution has cited 14 witnesses and till date only 2 of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the basis of secret information, accordingly the petitioner was apprehended on 23.11.2022 carrying 22 kg 160 grams of Ganja including weight of plastic sack. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date only 2 witness have been examined. Th petitioner is in custody since 23.11.2022 and the alleged recovery of contraband effected from him is 22 kg 160 grams of Ganja including weight of plastic sack which is marginally above the non commercial quantity. Therefore, keeping in view the assertion made by learned counsel for the petitioner (supra) and also the fact that the conclusion



of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining the petitioner any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, 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.

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

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)  
JUDGE

25.03.2025

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