



243

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

**CRM-M No.34734 of 2025
Date of Decision: 02.09.2025**

Sumit**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kulvir Narwal, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.61, dated 06.04.2025, under Sections 20(b)(ii)B of NDPS Act, 1985, registered at Police Station Arya Nagar, District Rohtak.

2. Succinctly the facts of the case are that the police party, while on patrolling on 06.04.2025, received a secret information to the effect that Sumit (petitioner) was engaged in selling of narcotics and was standing outside the shop of Fresh Chicken corner at Gandhi Camp Road for selling the narcotics, and in case of raid, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and they reached at the place disclosed. One boy, as disclosed in the secret information, was standing on the corner of



shop and was holding a green colour polythene in his left hand. On seeing the police, he got perplexed and tried to ran away from the spot, however he was apprehended. On asking, he disclosed his name as Sumit (petitioner). He was suspected to be carrying some contraband in the green colour polythene, which he was holding in his left hand and thus, the search was conducted. On conducting the search, 1200 grams of Ganja and a cash amounting to Rs.1050/- as drug money were recovered from him. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. The petitioner approached the Court of learned Additional Sessions Judge, Rohtak praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Rohtak declined the bail application filed by the petitioner vide order dated 20.06.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that case of the prosecution is based on the secret information. He has submitted that on the basis of the alleged secret information, the petitioner was arrested and on the search, 1200 grams of Ganja was allegedly recovered from him. He has submitted that there is a violation of mandatory provisions of Section 42 of NDPS Act. He has further submitted that the personal search of the petitioner has also been conducted, however the same is in violation of Section 50 of NDPS Act. He has submitted that even otherwise, the alleged recovery effected from



the petitioner is 1 Kg 200 grams of Ganja, which is a non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 06.04.2025. He has submitted that false implication of the petitioner is writ large, and thus, he deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner was specifically named in the secret information. She has submitted that on conducting the search, 1 Kg 200 grams of Ganja was recovered from the petitioner. She, on instructions, has submitted that out of total 17 prosecution witnesses, no witness has been examined so far. She has submitted that the challan has been presented and the charges are framed. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on the basis of secret information on 06.04.2025. The recovery from the envelop allegedly being carried by the petitioner is 1 kg 200 grams of Ganja. This is an admitted fact that the alleged recovery falls under the non commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 04 months and 24 days as on 01.09.2025. It further reflects that the petitioner is not involved in any other case. Out of 17 prosecution witnesses, no witness has been



examined so far. Challan has been presented and charges have been framed.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

02.09.2025

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Whether speaking/reasoned
Whether reportable

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(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No