



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

**CRM-M-35090-2025
DECIDED ON: 11.07.2025**

AJAY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. A.G. Haryana.

RAJESH BHARDWAJ, J (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.176 dated 05.05.2024 under Sections 15(b), 27-A of NDPS Act registered at Police Station Sadar Fatehabad, District Fatehabad.

2. Succinctly the facts of the case are that the police party on 05.05.2024 while patrolling stopped a Swift Car coming. On seeing the barricading, the driver of the car became perplexed and tried to turn back the vehicle. On suspicion, the car was stopped and the driver of the car disclosed his name as Ginder Singh and two plastic cartons were found lying in the car. On suspicion of carrying some contraband in plastic carton, offer of search was given to him. Both the cartons were taken out and 20 kgs of poppy husk was found in each carton. Thus, total 40 kgs poppy husk was recovered from the car. Ginder Singh failed to produce any licence regarding

the conscious possession of the same and, thus, the FIR was registered and he was arrested on the spot. On registration of FIR, the investigation commenced. Ginder Singh during investigation has made a disclosure statement about the present petitioner-Ajay that he had supplied the contraband recovered from him. Thus, the present petitioner was also arrayed as an accused in the present FIR and was arrested on 26.09.2024. The petitioner approached the Court of learned Special Judge, Fast Track under NDPS Act, Fatehabad praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Judge declined the petition filed by the petitioner vide her order dated 04.06.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner was nominated as an accused in the instant FIR on the basis of disclosure statement of co-accused, namely, Ginder Singh, which is not admissible evidence in law. He has submitted that even otherwise the contraband recovered from the co-accused i.e. 40 kgs of poppy husk is non-commercial in nature, therefore, the provisions of Section 37 of NDPS Act are not attracted in the present case. He further submits that the co-accused, namely, Ginder Singh, is already on bail, as is evident from Annexure P-2. He submits that the petitioner is involved in two other cases, wherein in one case he is on bail and in other case under Section 307 IPC, bail petition is pending before this Court. He, thus, submits that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the recovery from co-accused Ginder Singh was made on due compliance of provisions of Section 50 of the NDPS Act. He further submits that the petitioner is a habitual offender as he is involved in two other cases. He has placed on record the custody certificate of the petitioner and on instructions from ASI Tarsem, submits that out of total 19 prosecution witnesses, none has been examined so far.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been nominated in the present FIR on the basis of disclosure statement of co-accused Ginder Singh, from whom 40 kgs of poppy husk was allegedly recovered. The co-accused in the present case, namely, Ginder Singh is already on bail and as per the custody certificate of the petitioner, he has suffered incarceration for a period of 09 months and 16 days as on 10.07.2025. There is no denial to the fact that recovery effected from co-accused, namely, Ginder Singh is non-commercial in nature. Though the petitioner is involved in two other cases but he is on bail in one case and in other case under Section 307 IPC, the bail petition is pending before this Court. It is evident that out of total 19 prosecution witnesses, none has been examined so far.

6. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.
9. In case the bail bonds are not furnished by the petitioner within a period of 07 days from today, then his further custody period after one week will not be counted in the present case.

11.07.2025

Poonam Negi

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No