



CRM-M-37540-2025

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

CRM-M-37540-2025

Date of Decision: 04.11.2025

Subhash @ Sunil

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kuldeep Singh Siwach, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.55 dated 06.05.2025 under Sections 18(c), 27-A, 31 (Act No.61) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Jakhal, District Fatehabad.

2. Succinctly, facts of the case are that on 06.05.2025, the police party while on patrolling received a secret information to the effect that Subhash @ Sunil (petitioner) is involved in selling opium. It was informed that in case of raid at the house of Subhash @ Sunil, he could be arrested alongwith the contraband. On receiving the secret information, a raiding team was constituted and reached the place as disclosed. A person was found present there, who on seeing the police, tried to escape, however, he was overpowered by the police. On asking, he disclosed to be Subhash @ Sunil. He was taken to the office of the Gazetted Officer for the search. On conducting search of right pocket of his trouser, 599 grams of opium was recovered. He failed to produced any licence regarding the possession of the same, and thus, on the registration of the FIR, he was arrested. The investigation commenced. Samples taken were sent to the FSL. On receipt of



the FSL report, challan was presented. The petitioner approached the Court of learned Judge, Special Court, Fast Track, under NDPS Act, Fatehabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 01.07.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submit that FIR in the present case was registered on the basis of secret information, however, there is blatant violation of Section 42 of the NDPS Act. He submits that admitted case of the prosecution is that from the house of the petitioner, he was taken to the office of the Gazetted Officer, where his search was conducted and thus, there is blatant violation of Section 50 of the NDPS Act as well while conducting the search as the search was conducted from the person of the petitioner. He submits that no independent witness has been joined. He has submitted that though the petitioner has been prosecuted in three other cases, however, in one case he has been acquitted and in rest cases, he is on bail. He submits that admittedly weight of the alleged contraband recovered from the petitioner is 599 grams of opium, which is a non-commercial quantity and hence, provisions of Section 37 of the NDPS Act are not attracted. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the



submissions made by counsel for the petitioner. He has submitted that the petitioner was specifically named in the secret information and on the basis of the same, raid was conducted and 599 grams of opium was recovered from the petitioner. He submits that the petitioner is a habitual offender, who is involved in three other cases. On instructions, he submits that only challan is presented and charges are yet to be framed. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of secret information. The petitioner was arrested on 06.05.2025. The alleged contraband recovered from the petitioner is 599 grams of opium, which is admittedly a non-commercial. As vehemently contended by learned counsel for the petitioner, there is violation of provisions of Sections 42 and 50 of the NDPS Act. Challan is presented. The custody certificate would show that the petitioner has suffered incarceration of 05 months & 22 days as on 30.10.2025. It further shows that the petitioner is involved in three other cases, however, he is on bail in those cases.

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. Keeping in view the arguments raised by both the sides and perusing the record, 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.

04.11.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No