



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

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**CRM-M No.38156 of 2025
Date of decision : 24.7.2025**

Suraj**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sandeep Kotla, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.171 dated 28.3.2025, under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sector 29, Panipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of Complaint: To, The SHO Sahib Police Station Sector 29, District Panipat, Jai Hind. As per the directions of higher officials and necessary guidelines have been given to all the investigators working in the police station that to prevent drug abuse in Panipat District, strict legal action should be taken against those selling drugs. To prevent drug abuse in Panipat district, I too had installed secret sources to provide concrete information about those selling drugs. In this connection, today I ASI along with Police Officials H.C. Rajkumar 272/Panipat, Head Constable



84/Panipat alongwith Government vehicle Bolero whose driver C. Rajpal 438 was present on near Power House Chotala Road for Patrolling with article needed in investigation of case, when secrete informer met ASI and told that Suraj son Nandu Paswan resident village Baganpur District Lalanda Vihar present tenant Gangaram Colony, Panipat is going to bring narcotic substance Ganja from Rishalu Road, Section 29 to Chotala Road to sell it to someone. If barricading is done then he can be caught along with Ganja. ASI formed fellow employees about the information and on finding the information credible, higher officials were informed about the information and gazetted officer was informed to come to the spot. Notice 42 NDPS Act was printed on laptop and after getting it registered, a report was sent to the police station through HC Rajkumar 272. A report should be recorded in the diary regarding the information and the police should be informed with the report number. I, ASI along with my fellow employees, in present at the barricading at Chotala Road, Rishal Road, Panipat. After some time, a person was seen coming on foot from Rishal Road, Sector 29, Panipat towards Chotala Road, carrying a white colored polythene bag. On seeing the person coming from the front, the secrete informer gestured and said that this person is Suraj. On coming closer, I, ASI, with the help of my fellow employees, apprehended him and asked his name and address. The person told his name as Suraj, son of Nandu Paswan, resident of village Baganpur, District Lalanda, Bihar, currently a tenant at Ganga Ram Colony, Panipat. The ASI told the person Suraj that as per the information I received, I suspect that you have narcotic substance ganja. I gave my full details and gave a notice to the arrested person in writing under section 50 NDPS Act that, I am ASI Manbir Singh in uniform and my name is attached to my uniforrn. Suraj, I suspect that the white colored polythene bag in your hand has a narcotic substance and I am sending you a notice under section 50 NDPS Act. You have he legal right that if you want your search to be conducted in front of a gazetted officer then he can be called on the spot or you can be taken and presented before him. You should give your consent in this regard after listening to and understanding the notice. The notice was read out and explained to the person mentioned above Suraj by the ASI. After listening to the notice and understanding it well, Suraj above and the witnesses signed the notice. Then Suraj above got it written in his reply/consent notice by telling the ASI that I want myself and the white polythene bag to



be searched in front of a gazetted Officer. The gazetted officer should be called here on the spot. Suraj above signed the reply/consent notice and the witnesses also signed their signatures. After which the ASI contacted the gazetted officer Shri Amit Kumar ETO (ST), Panipat on his mobile number 7988884869 from my mobile number 979999066 and informed him about the situation and informed him to come to the spot. After getting the information from the ASI, the gazetted officer Shri Amit Kumar ETO (ST), Panipat reached the spot in his car. He was informed about the situation by the ASI and presented Notice 50 NDPS. ACT and consent notice and the person mentioned above Suraj before the gazetted officer. After the gazetted officer gave his full details to the person Suraj above, he was questioned in front of witnesses. After that, as per the order of the gazetted officer, the drug related search of the ASI was done by HC Rakam 84/PPT. The search officer's memo was prepared separately. On which the person mentioned Suraj and the witnesses signed their respective signatures. The gazetted officer verified the search memo. When no Intoxicating substance was found during the search by the ASI, the gazetted officer ordered the ASI to search the person mentioned above Suraj and the polythene bag in his hand. As per the order of the gazetted officer, the ASI searched the person mentioned above Suraj and his white colour polythene bag as per procedure and a green-coloured narcotic substance was found in the waxy polythene in the hands of the person mentioned above Suraj. When it was melled and checked, it was found to be ganja as per experience and the person mentioned above Suraj also told the recovered intoxicating substance to be ganja. The gazetted officer, the person mentioned above Suraj and the witnesses signed the memo separately. The ASI asked the person mentioned above Suraj to produce the license and permit for keeping the intoxicating substance ganja. So, the person could not produce any license or permit regarding the narcotic substance ganja recovered from the accused and neither did he give any satisfactory answer. When the ASI weighed the ganja recovered from the Accused along with the polythene bag on the computer scale, the weight of the recovered ganja was found to be 1 kg 810 grams. The recovered ganja along with the polythene was put in a cloth and a parcel was prepared and the ASI stamped it with his seal MS/I and a sample seal was prepared. After the seal was used, it was handed over to HC Rakam 84. The gazetted officer also stamped the parcel narcotic substance ganja with his seal RS/I



and put his seal RS/I on the sample seal. After stamping the parcel, the gazetted officer kept the seal with himself. The gazetted officer signed on the parcel ganja and the sample seal. The recovered parcel ganja was taken into police custody as evidence memo property search and seizure. The person mentioned Suraj and the witnesses signed the property search and seizure memo. The property search and seizure memo were verified by the gazetted officer. The ASI has video graphed the recovery on E-SAKSHAY APP from his mobile phone. HC Rajkumar 272 later came to the spot to give notice under section 42 NDPS Act from Sector 29 Police Station, Panipat. The original notice and copy of the report were handed over to the ASI. The person Suraj above was found to have committed the crime under section 20 NDPS Act by keeping one kg 810 grams of ganja in his possession. The complaint is being written by the ASI and given to HC Rajkumar 272 and sent to the police station for registering the FIR. The FIR should be registered and the FIR number should be informed. The special report of the FIR should be sent to the higher officials and the area Magistrate Sahab and a 2nd investigator should be sent to the scene for further investigation of the FIR. I ASI is busy in investigation at the spot. Area: Chotala Road, Panipat, Sd/ ASI Manbir Singh 41/PPT, Police Station Sector 29, Panipat Date: 28-03-2025.'

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the mandatory provision of NDPS Act has not been scrupulously followed by the police and therefore, the prosecution case suffers from inherent defects. Learned counsel for the petitioner has further submitted that the contraband in question is 1.810 kgs. of ganja, which is non-commercial quantity of contraband. Learned counsel has further argued that the petitioner is a young man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in



nature.

5. I have heard counsel for the parties and have gone through the available records of the case and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 23.7.2025 in Court, which is taken on record.

6. The petitioner was arrested on 01.4.2025 whereinafter investigation was carried out and challan stands presented on 28.5.2025. Total 13 prosecution witnesses have been cited but none has been examined till date. It is, thus, indubitable that conclusion of the trial will take its own time. The rival contention raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 23.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about three months and twenty-seven days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds



to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

24.7.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No