

2025:PHHC:163884



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

210

CRM-M-38081-2025

Date of decision: 26.11.2025

BUDH RAJ

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. S.S. Dhillon, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant **second** petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 210 dated 28.12.2023, registered under Section(s) 15-C, 61, 85 of the NDPS Act at Police Station, Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The facts of the present case are that on 28.12.2023, a police team of the CIA Staff, Sri Muktsar Sahib, led by Incharge/Inspector Gurwinder Singh (No. 42/BTRT), was on routine patrolling duty. The team had established a nakabandi near the minor canal bridge on the Chak Kala Singh Wale–Roranwali road. At approximately that time, a truck approaching from the side of Chak Kala Singh was signalled to stop. The driver of the said vehicle alighted from the truck and attempted to flee; however, he was apprehended and his conduct at the spot was found to be suspicious. Upon inspection of the vehicle, the police noticed that although the truck was loaded

with bags of sand, a few white bags were also placed on one side. The petitioner, who disclosed his name and particulars upon being questioned by the Investigating Officer, failed to furnish any satisfactory explanation regarding the presence of those white bags. Thereafter, the petitioner was informed of his right under Section 50 of the NDPS Act, whereupon he opted for a search in the presence of a Gazetted Officer. Intimation was accordingly issued, and despite efforts, no public witness could be secured. Thereafter, Shri Sanjeev Goyal, Deputy Superintendent of Police (NDPS), arrived at the spot, obtained the petitioner's written consent, and conducted the search of the Truck bearing No. RJ-07-GB-0182. The search resulted in the recovery of twelve gunny bags containing poppy husk, weighing a total of 204 kilograms. All twelve bags were thereafter converted into parcels, marked from 1 to 12, and taken into possession at the spot. The truck which was carrying approximately 24.70 tonnes of silica sand along with its documents, was also seized. A ruqa was prepared against the petitioner for offences punishable under Section 15(c) of the NDPS Act, leading to the registration of the aforesaid FIR.

3. Learned Counsel appearing on behalf of the petitioner contends that the petitioner is in custody since 28.12.2023 and has already undergone an actual custody of more than 01 year 10 months. He further contends that only 02 out of 34 witnesses cited by the prosecution have been examined so far and the trial is likely to take a long time to conclude. He also submits that the petitioner is not involved in any other case.

4. Status report by way of affidavit of Naveen Kumar, PPS, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib is already on the

file and the same is taken on record. State counsel does not dispute the aforesaid factual aspects. He also does not dispute that the petitioner has no criminal antecedents and that only 02 witnesses have been examined so far. He, however, contends that the recovery was effected from the truck being driven by the petitioner and as such he does not deserve the concession of regular bail.

5. I have heard learned counsel appearing on behalf of the respective parties.

6. Be that as it may, having regard to the petitioner's clean antecedents, the actual period of custody already undergone and the present stage of the trial, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

NOVEMBER 26, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No