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

CRM-M-38132-2025

Date of Decision:24.07.2025

CHIRAG

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Anil Kumar Malik, Advocate
for the petitioner.

Mr. Dhruv Dayal, Addl. AG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 BNSS with a prayer to grant regular bail to him in case FIR No.63 dated 27.03.2025, registered under Sections 20-C & 29 of NDPS Act 1985, Police Station Sanoli, District Panipat.

2. Learned counsel for the petitioner contends that in the present case, the police had allegedly recovered 10 injections of 2 Ml each of Buprenorphine i.e. total quantity of 20 ML from the petitioner. However, the said quantity falls within the ambit of 'non-commercial' quantity and the rigours of Section 37 of the NDPS Act would not apply to the facts and circumstances of the present case. He further submits that the petitioner was arrested in the present case on 27.03.2025 and is in custody for the last about 04 months. After completion of



the investigation, the challan has been presented against him. He further submits that one more case was ordered to be registered against the petitioner but he is on bail in the said case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, admittedly the quantity of contraband, which was allegedly recovered from the petitioner, falls within the ambit of 'non commercial' quantity. Thus, the bar contained in Section 37 of the NDPS Act may not be attracted in the facts and circumstances of the present case. Moreover, the petitioner has already been granted the concession of bail in other case registered against him. Thus, the further custody of the petitioner will not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.



(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

24.07.2025
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(N.S. SHEKHAWAT)
JUDGE

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