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

CRM-M-38937-2025

Date of Decision: 28.07.2025

Sachin alias Dhilla

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Dhruv Dayal, Addl. Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.756 dated 05.12.2024 registered under Section 22(C) of NDPS Act, 1985, at Police Station Shivaji Colony, Rohtak.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case as Pentazocine is a allopathic drug, which is mentioned in Scheduled-H of Drugs and Cosmetics Rules, 1945 and the provisions of Section 22(C) of NDPS Act has been wrongly invoked against him. She further contends that as per the case of the prosecution, 500 injections of Pentazonics, weighing 500 grams, have been recovered from him. However, upto 500 gram Pentazonice, the quantity of contraband will fall within the ambit of 'non-commercial quantity', in view of the provisions contained in Section 2(viia) of NDPS, Act, 1985. The petitioner was arrested in the present case on 05.12.2024 and is in custody since then. Challan has been presented

against the petitioner and no useful purpose will be served by keeping him behind bars.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime and does not deserve the concession of bail by this Court.

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

5. In the present case, the quantity of contraband recovered from the present petitioner falls within the ambit of 'non-commercial quantity' and the rigors of Section 37 of the NDPS Act would not apply to the facts of the present case. Moreover, the petitioner is in custody for the last more than 07 months and no prosecution witness has been examined so far.

6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

28.07.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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