



CRM-M-39816-2025

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

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CRM-M-39816-2025
Decided on :19.11.2025

Tejindra @ Dippu

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Anuj Balian, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita* (BNSS) seeking grant of regular bail in case FIR No. 262 dated 11.08.2024, under Sections 18, 25 of NDPS Act, registered at Police Station Kunjpura, District Karnal.

2. As per the case of prosecution, acting on secret information, police apprehended two persons—Rakesh (co-accused) and Tejendra @ Dipu(petitioner herein), who were travelling on a motorcycle bearing registration No. UP-11BL-4975 towards Gheer village. While their personal search yielded nothing, the polythene bag carried by co-accused-Rakesh was found to contain 2 kg 680 grams of opium.

3. Learned counsel for the petitioner contends that petitioner was driving the motorcycle, while his co-accused-Rakesh, was the pillion rider. Counsel further submits that the contraband was not in the

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conscious possession of the petitioner, and he had no knowledge or control over it. It is also submitted that co-accused, Rakesh, has already been granted the concession of regular bail by this Court vide order dated 13.08.2025 in CRM-M-21458-2025. Petitioner is in custody since 11.08.2024 and has never been found involved in any similar activity. Counsel submits that there are total 16 prosecution witnesses, none has been examined till date, thus, trial is likely to take considerable time to conclude. In view of these circumstances, counsel prays for the grant of regular bail to the petitioner.

4. On the other hand, learned State counsel, while filing the status report, confirms the period of custody already undergone by the petitioner and submits that petitioner has not been found involved in any other activity punishable under the NDPS Act. Learned State counsel further submits that in view of the substantial recovery of narcotic contraband, petitioner is not entitled to the concession of regular bail at this stage without proper investigation and trial.

5. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto, including the status report.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the petitioner, and the period of custody already undergone by the petitioner since 11.08.2024, it is evident that petitioner was driving the motorcycle while the contraband was found in the possession of the co-accused, who has already been granted the concession of regular bail. Petitioner has no previous

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involvement in similar activities, and the trial is likely to take considerable time, with several prosecution witnesses yet to be examined.

This Court finds merit in the prayer of the petitioner.

Consequently, present petition stands allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

19.11.2025*Rashmi*

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