



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

219

**CRM-M No.42154 of 2025
Date of decision : 3.9.2025**

Brijesh @ Vrijesh @ Neelu @ Fauji	Petitioner
Versus	
State of Haryana	Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kamal Chaudhary, 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.76 dated 31.1.2022, under Sections 20, 29, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mujesar, District Faridabad.
2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act involving 1.155 Kgs. of *ganja* allegedly recovered from the petitioner and his co-accused, on 31.1.2022 in the area near crematorium, main road, T-Point, Machhli Market, Mujesar, Faridabad.
3. Learned counsel for the petitioner has argued that the petitioner



was initially arrested on 31.1.2022. He was granted the concession of bail by the Sessions Court on 11.3.2022. It has been iterated by learned counsel for the petitioner that the petitioner is working as a Cleaner on a truck and on this account he could not be likely appeared before the Court. Learned counsel has further argued that the petitioner is in custody now since 21.4.2025. Learned counsel has further argued that there is a long list of 19 prosecution witnesses and none has been examined till date. It has been further iterated that the quantity of the contraband alleged to be recovered from the petitioner is 1.155 Kg. of *ganja* whereas threshold for commercial quantity is more than 20 Kgs. On the strength of these submissions regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of Vivek Kundu (HPS), Assistant Commissioner of Police, Mujesar, District Faridabad in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner.

Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 2.9.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. It is not in dispute that the petitioner was initially arrested on 31.1.2022 and granted the concession of bail on 11.3.2022. The petitioner



appears to be giving some explanation for his non-appearance before the concerned Court at different times. Without delving into veracity thereof, but keeping in view the factum of the quantity of the contraband recovered from the petitioner, which is non-commercial, and a long list of 19 prosecution witnesses out of which none has been examined, this Court deems it appropriate to extend the concession of bail to the petitioner.

6.1 As per custody certificate dated 2.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months and 7 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under the NDPS Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another*, 2012 (1) RCR (Criminal) 586; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State*, 1998 (2) RCR (Criminal) 477 & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana*, 1998 (3) RCR (Criminal) 191.

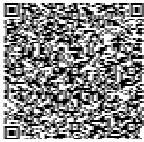
Suffice to say, further detention of the petitioner as an undertrial



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.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.



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

3.9.2025
Ashwanii

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