

CRM-M-42222-2025
Date of decision: 09.09.2025

...Petitioner

...Respondent

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
MANJIT LAL	50	27.01.2025	15 of NDPS Act (Sections 27-A and 29 of NDPS Act added later on)	Sadar Thanesar	Kurukshetra

2. As per allegations, from the canter bearing registration No.HR-55W-7885, 300 Kg of poppy husk was recovered and said vehicle was driven by present petitioner-Manjit Lal and one more accused namely Gopal Rai. Name of co-



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accused Jaswinder Singh was disclosed by petitioner, who was the registered owner of the vehicle.

3. Learned counsel for the petitioner contends that plea of bail of Jaswinder Singh has already been accepted by this Court vide order dated 29.07.2025 passed in CRM-M-27453-2025 (Annexure P-2).

He further contends that, in fact, the issue involved before the trial Court, requiring adjudication at the final stage, is whether the petitioner had any conscious possession of the contraband loaded in the canter, which is admittedly not owned by him. Petitioner is stated to be inside jail since 27.01.2025.

He also contends that there is non-compliance of Section 42 of the NDPS Act, as no prior information was forwarded to the concerned police officer regarding the secret information. Since no independent witness has been examined, the recovery effected from the canter allegedly driven by the petitioner is highly doubtful, and the petitioner cannot be held liable for the charges unless the same are proven to be true in accordance with law.

4. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 08.09.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has already been handed over to the counsel for the petitioner.

As per custody certificate, petitioner has already undergone 07 months and 09 days period inside jail and there is no other case registered against him.

5. Learned State counsel has vehemently opposed the prayer of grant of



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bail to the petitioner, and submits that though there is no other case registered against the petitioner but the quantity recovered is clearly commercial in nature, being it more than 50 Kg (i.e. maximum of non-commercial quantity). However, he does not dispute the fact that petitioner has undergone 07 months and 09 days custody period inside jail.

6. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition.

7. In normal course, prayer at such an earlier stage could not have been accepted, but looking at the aspect that owner of the truck namely Jaswinder Singh has already been released on bail, who was supposed to have exclusive knowledge about the loaded material in his truck, there is no point in keeping the petitioner inside jail for any longer period, therefore, this Court deems it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. 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.

10. It is further made clear that if, in future, petitioner is directly found



indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands disposed of.

09.09.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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