

2025:PHHC:098133



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

1. CRM-M-52231-2022 (O&M)

Rehan @ Mohd. Rehan Shah

...Petitioner

Versus

State of Haryana and another

...Respondents

2. CRM-M-5097-2023 (O&M)

Imran Khan

...Petitioner

Versus

State of Haryana and another

...Respondents

Reserved on : 28.07.2025
Pronounced on : 04.08.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Mazlish Khan, Advocate
for the petitioner in CRM-M-52231-2022.

Mr. Gursharan Singh, Advocate
for the petitioner in CRM-M-5097-2023.

Mr. Apoorv Garg, Addl. A.G., Haryana.

Mr. Sourabh Goel, Special Public Prosecutor, NCB.

MANISHA BATRA, J.

1. This common order shall dispose of above mentioned two petitions as they arise out of the same FIR and seek similar reliefs.

2. Prayer in these petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioners in Criminal Complaint No. 13 of 2021, dated 25.03.2022, NCB Crime No. VIII/55/DZU/2021 dated 29.09.2021, registered under Sections 8, 20(C), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), District Panipat.

3. Brief facts of the case relevant for the disposal of the present

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petitions are that on 28.09.2021, on the basis of secret information, the petitioners along with co-accused Mohd. Vali, while coming in a car bearing registration number UP-85-L-6204, were apprehended by a team of Narcotics Control Bureau (NCB) and recovery of 10 kgs. of Charas was effected from them. They were formally arrested at the spot. On the basis of their disclosure statements, some other persons were also nominated in this case. After completion of usual formalities and necessary investigation, *challan* was presented in the Court and presently, the petitioners along with co-accused are facing trial for commission of aforementioned offences.

4. Learned counsel for the petitioners has argued that they have been falsely implicated in this case. In fact, a false recovery was planted upon them. Mandatory provisions of the NDPS Act were not complied with. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioners are custody since 28.09.2021. No useful purpose would be served by keeping them in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

5. Separate replies have been filed by the NCB-respondent-State. Learned counsel for the respondent-State as well as learned counsel for the NCB has argued that keeping in view the gravity of the allegations levelled against the petitioners, their criminal antecedents and also in view of the fact that trial is at advance stage, they do not deserve to be released on bail. It is, thus, argued that the petitions are liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

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7. The petitioners were apprehended by a team of NCB on 28.09.2021 and recovery of 10 kgs. of Charas was effected from them. The said quantity of the contraband falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioners. They are also having criminal antecedents. Moreover, the trial is stated to be at advance stage as out of total 14 prosecution witnesses, 10 witnesses stand examined. Trial is going on at a proper and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the discussion as made above, the quantity of the contraband recovered from the petitioners, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioners do not deserve to be granted benefit of regular bail, at this stage. Hence, the petitions are dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petitions and the same shall not be construed as an expression of opinion on the merits of the case.

9. Let a photocopy of this order be placed on the file of the connected cases.

04.08.2025*Wassem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*