



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

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**CRM-M No.43308 of 2025
Date of decision : 18.8.2025**

Ram Dass**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Pankaj Attri, Advocate and
Mr. Anuj Malik, Advocate, for the petitioner

Mr. Deepak Grewal, DAG, 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.279 dated 4.12.2024, under Sections 20(b)(ii)(B) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Industrial Area, Bhiwani.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Today, I, ASI Anand No 39, along with HC Sumer No. 997, EHC Narveer No 314, Constable Sonu No. 244, and driver EASI Bijender No. 787, in government vehicle HR16GV 5285, along with an HP laptop and printer, was present near Kadam Hospital, Bhiwani for patrolling and crime investigation. At around 09:30 AM, a reliable informer came to me and informed that Ramdas, son of Kallu, resident of Bareilly, Uttar Pradesh,



who deals in selling intoxicating substances. is presently standing with an intention to sell narcotics near JK Lakshmi Cement Godown, ahead of Mini Bypass, Kot Road, Bhiwani. He is carrying the narcotic substance in a black-colored bag. He is wearing slate-colored pants, a cream-colored coat, and a reddish-orange sweater. If a raid is conducted immediately. Ramdas can be apprehended with the narcotic substance. After giving appropriate instructions, the informer was relieved. The plainclothes staff were informed of the input Finding the information trustworthy, a notice under Section 42 of the NDPS Act was written and sent through Constable Sonu No. 244 to Police Station Industrial Area Bhiwani for information and record. The SHO was requested to register the report and communicate the report number. HC Sumer was instructed to conduct video recording of the scene. Thereafter, I, ASI, along with the police team and government vehicle, proceeded towards the JK Lakshmi Cement Godown, Mini Bypass, Kot Road, Bhiwani. Upon reaching the location, we saw a person matching the description given by the informer, standing in front of the cement godown. With the help of my team, I apprehended him and introduced myself and the team. On enquiry, he revealed his name as. Ramdas. son of Kallu, resident of Village Harrapur Matkuli, District Bareilly (U.P.). I served Ramdas a notice under Section 50 of the NDPS Act, informing him that I suspect him of carrying narcotics, and under the law, he has the right to be searched in the presence of a Gazetted Officer or Magistrate. He may either be taken to a Gazetted Officer/Magistrate or one can be called at the spot. Ramdas read, understood the notice, and signed it. The witnesses also signed it. Ramdas stated that "I have understood the contents of the notice. I am semi-literate and I wish that my search be conducted in the presence of a Gazetted Officer. He may kindly be called at the spot. Accordingly, a reply to the notice under Section 50 NDPS Act was recorded, signed by Ramdas and witnesses I, ASI, using my mobile number 9728857001, contacted Sh. Bharatpal, Gazetted Officer and Traffic Manager, Haryana Roadways, Bhiwani, on his number 9812126061 at 10:35 AM, and requested him to come to the spot. He replied that he was currently out of station but would reach shortly. At around 11:15 AM, Constable Sonu returned from the police station after submitting the copy of the report No. 16 dated 04.12.2024. Meanwhile, Rahul, son of Krishan Kumar, resident of Jain Chowk, Teliwada, Bhiwani, was passing by the scene. He was informed of the situation and was asked



to be a witness in the case. He consented. At about 12:55 PM, Gazetted Officer Sh. Bharatpal, Traffic Manager, Haryana Roadways Bhiwani, arrived at the scene in a Swift Dzire vehicle HR70GV-2900, driven by Satender. He conducted the personal search of the ASI, and a memo of personal search was prepared separately, signed by me (ASI), witnesses, and the Gazetted Officer. Thereafter, Sh. Bharatpal ordered me (ASI) to conduct the personal search of Ramdas. Following proper procedure, I searched Ramdas and recovered the following From the left pocket of his pants: ₹600 (Indian currency), a copy of the notice under Section 50 NDPS Act, and a mobile phone (Oppo brand, sky-blue color).. From the black-colored bag he was carrying. A black plastic polythene inside a leather bag. Upon opening, a substance suspected to be charas (hashish) was found, which I identified based on my experience. Using the electronic scale from the government vehicle, the weight of the charas, including the polythene, was found to be 697.5 grams. All recovered items-charas, ₹600 cash, mobile phone, and black bag-were separately packed and sealed with 5 seals of "MS" on each parcel. The sealed parcels were handed over to HC Sumer No. 997. The Gazetted Officer also sealed each item with his "IC" seal and retained the specimen seal with him. All items-sealed charas, ₹600 cash, mobile phone. black bag, and a copy of notice under Section 50-were taken into police possession as case property under a seizure memo, signed by accused Ramdas and witnesses. The FSL form and other relevant documents were completed. The Gazetted Officer verified the notice under Section 50 NDPS Act, reply to the notice, and the seized items (697.5 grams of charas, ₹600, mobile, bag) and thereafter departed from the spot with the independent witness Since Ramdas was found in possession of 697.5 grams of charas, which constitutes an offence under Section 20B(II)(b) of the NDPS Act, 1985, this report is now being sent through EHC Narveer No. 314 to Police Station Industrial Area Bhiwani for the registration of an FIR Please register the case and communicate the FIR number. Send an Investigating Officer to the scene for further investigation. I, ASI Anand No. 39, along with my team, the accused, and the case property, am present at the scene near JK Lakshmi Cement Godown, Kot Road, Bhiwani.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 4.12.2024. Learned counsel has further argued that the



petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the mandatory provisions of the NDPS Act have not scrupulously been complied with, therefore, the prosecution case suffered from inherent defects. Learned counsel has further submitted that the petitioner aged 55 years is the sole bread earner of his family. Learned counsel has further submitted that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. 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 15.8.2025 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. The petitioner was arrested on 4.12.2024 wherein after investigation was carried out and challan stands presented on 28.1.2025. Total 15 prosecution witnesses have been cited out of which 7 already stand examined. It is thus indubitable that culmination of trial will take its own time. It is not in dispute that the contraband alleged to have been recovered from the petitioner is non-commercial in nature. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought



forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 15.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 12 days & is not shown to be involved in any other case.

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.

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

18.8.2025
Ashwani

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