

2025.PHHC.012727



236.

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

CRM-M-47704-2024

Date of decision: 28.01.2025

Siya Ram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Keshav, Advocate and
Mr. Sahil Goel, Advocate,
for the petitioner (through Video Conferencing).

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in case FIR No.10, dated 07.01.2024, under Section 15-C, 61 and 85 of NDPS Act, registered at Police Station Civil Line, Sirsa.

Learned counsel for the petitioner submits that the petitioner has been in custody since 07.01.2024 for allegedly transporting 80 kgs of poppy husk along with two other co-accused. Learned counsel further submits that the petitioner has no previous criminal antecedents and his false implication in the present case is apparent from the fact that the vehicle in which the petitioner along with two other co-accused were allegedly travelling and were intercepted following a secret information,

did not even belong to the petitioner. Learned counsel has also submitted that the other two co-accused, who were allegedly travelling along with the petitioner at the time of interception, have already been extended the concession of bail by this Court

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that the petitioner has no previous criminal antecedents. It has also not been disputed, on instructions, that after the charges were framed, only 01 prosecution witness out of 14 cited has been examined.

I have heard learned counsel for the parties and perused the material placed on record.

As not disputed, the petitioner is not stated to be involved in any other criminal case, much less under the NDPS Act. The alleged recovery, 80 kgs of poppy husk, is marginally higher than the minimum classified as 'commercial' under the NDPS Act. The trial is unlikely to conclude in the near future as the next date before the trial Court is 03.04.2025 and some of the remaining 13 prosecution witnesses are likely to be examined.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of

the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

January 28, 2025
sanjeev

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