



CRM-M-45322-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-45322-2025

Decided on :25.08.2025

Tahir

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mazlish Khan, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking regular bail in FIR No. 0027 dated 18.01.2024, under Sections 20(b)(ii)(c), 61, 85 of NDPS Act, registered at Police Station Hodal, District Palwal.

2. Learned counsel for the petitioner submits that the alleged recovery in the present case is of 45.414 kilograms of ganja, which falls under the category of commercial quantity as defined under the NDPS Act. Counsel further submits that recovery was effected from a Swift car bearing registration number DL-4CAV-4463, which is registered in the name of one Tarif, son of Ilyas, resident of Nakanpur, Punhana, District Nuh. Counsel also submits that petitioner has no connection with the said vehicle and does not share any relationship, personal or otherwise, with said Tarif.

Counsel submits that petitioner is in custody for the period of last one year and six months. Despite the framing of charges on

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04.10.2024, not a single prosecution witness has been examined till date, out of a total of 18 witnesses. Thereby reflecting an inordinate delay in the trial proceedings, which is causing unwarranted hardship to the petitioner.

Counsel contends that petitioner had earlier approached this Hon'ble Court by filing CRM-M-42827-2024, which was withdrawn on 12.09.2024(P-6) with liberty to file afresh. Counsel further contends that petitioner has clean antecedents as he is not involved in any other similar activity. The petitioner's implication in the present case appears to be false, as there is no credible or direct evidence linking him to the alleged recovery. Moreover, prosecution has failed to place any substantive material/evidence on record to establish the petitioner's involvement in the commission of the alleged offence. In these circumstances, where the petitioner is neither connected to the vehicle from which the contraband was allegedly recovered nor linked to any co-accused, has remained in custody for a considerable period, and trial has not progressed despite the lapse of significant time, learned counsel prays for grant of regular bail.

3. Learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that the recovery in the present case is of 45.414 kilograms of ganja, which clearly falls under the category of commercial quantity under the NDPS Act. As per the prosecution case, the contraband was recovered from a vehicle, and the petitioner's role in the offence is under investigation, with material suggesting his involvement in the transportation or facilitation of the

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narcotic substance. Merely denying ownership of the vehicle or any association with the registered owner is not sufficient at this stage to exonerate the petitioner, particularly when the recovery is of a commercial quantity and the offence is grave in nature, therefore, prays for dismissal of the present petition.

4. Having heard learned counsel for the parties and perused the record, it is observed that the recovery in the present case involves 45.414 kilograms of ganja, a commercial quantity. The petitioner denies any connection with the vehicle from which the contraband was recovered or with the registered owner. Despite the charges being framed on 04.10.2024, not a single prosecution witness has been examined, out of 18 listed witnesses till date, resulting in an undue delay in the trial. Petitioner is stated to be in custody for the period of last one year and six months, which is a considerable period. In the absence of any substantive evidence directly linking the petitioner to the offence, and considering the inordinate delay in the trial, the Court is of the view that the continued custodial detention of the petitioner is not warranted. While the allegations are serious, the right to a fair and timely trial also demands that the petitioner's liberty should not be unduly curtailed.

5. In view of the above, this Court is of the considered opinion that the petitioner deserves an opportunity for rehabilitation and reintegration into society. Therefore, the present petition is allowed, and the petitioner is directed to be released on regular bail, subject to his furnishing personal and surety bonds to the satisfaction of the learned

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Trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate

concerned, if not required in any other case.

6. 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.

7. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

8. Petition stands disposed of.

9. Application(s), if any, shall also stand disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

25.08.2025*Rashmi*

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