



229

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

CRM-M-52255-2024

Date of Decision:25.03.2025

LALLAN

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Vaishali Kamboj, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, with a prayer to grant regular bail to him in case FIR No.0177 dated 21.06.2024, registered under Section 20 of NDPS Act, 1985 Police Station Civil Line Sonipat, District Sonipat.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, the petitioner was arrested by the police, while he was allegedly carrying 2.00 k.g of Ganja in a white polythene without any permit or licence. Learned counsel submits that the quantity of contraband, which was allegedly recovered from the petitioner was "non commercial" quantity and the rigors of Section 37 of the NDPS Act may not apply to the facts of the present



case. She further contends that the petitioner is in custody since 21.06.2024 and challan has already been presented against him. She further submits that even though several other cases were registered against him, but the petitioner is stated to be on bail in most of the cases.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 13 more cases have been registered against the present petitioner and he does not deserve the concession of bail by this Court. However, he admits that out of 13 cases, only one case has been registered against him under the provisions of the NDPS Act.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the police party received a secret information and during the raid, 2 k.g of Ganja was recovered from the petitioner, which is “non commercial” quantity. The petitioner is stated to be in custody for the last about 09 months and challan has already been presented against him. Moreover, no prosecution witness has been examined so far and further custody of the petitioner may not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.



(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him



shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

25.03.2025
vipin

(N.S. SHEKHAWAT)
JUDGE

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