



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

**CRM-M No.49059 of 2025
Date of decision: 09.09.2025**

Shammy @ Tinda

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sushil Sheoran, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.64, dated 23.01.2025, under Sections 20(b) of NDPS Act, 1985 (Section 27(a) of NDPS Act added later on), registered at Police Station Hansi City, District Hansi (Hisar).

2. Succinctly the facts of the case are that the police party, while on patrolling on 23.01.2025, received a secret information to the effect that Akshay and Ghanshayam are involved in selling the intoxicating substance, i.e. *Ganja*. It was alleged that they would come to bus stand on their motorcycle and in case of raid, they could be arrested on the spot along with the contraband. On receiving the secret information, the police party laid the *naaka* at the place disclosed. Both the persons as informed



in the secret information were stopped while coming on the motorcycle. On asking, they disclosed their names to be Akshay and Ghanshayam. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search of Ghanshayam, no contraband was recovered. However from the search of Akshay, 1 Kg 197 grams of *Ganja* was recovered from his jacket. They failed to produce any licence regarding the conscious possession of the same. Thus the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, they made disclosure about Sandeep @ Dhanchu and however on the disclosure statement of Sandeep @ Dhanchu, complicity of the petitioner, namely, Shammy @ Tinda was surfaced and thus, the petitioner was also arrayed as an accused in the present case and was arrested on 08.04.2025. The petitioner approached the Court of learned Additional Sessions Judge, Fast Track, Special Court, NDPS Act, Hisar praying for the grant of bail. However after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Fast Track, Special Court, NDPS Act, Hisar declined the bail application filed by the petitioner vide order dated 14.08.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner has been named as an accused in the present case on the basis of disclosure statement of co-accused, however the same is not even an admissible evidence. He has submitted that the contraband

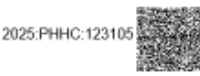


weighing 1 Kgs 197 grams was recovered from the co-accused and both of them are already on bail. He has submitted that even otherwise the contraband recovered from the co-accused is a non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. He has further submitted that co-accused of the petitioner, namely, Sandeep @ Dhanchu has already been granted bail by this Court vide order dated 22.07.2025 passed in CRM-M-35767-2025 and thus, case of the petitioner is at par with that of the co-accused. He has submitted that in the facts and circumstances when the co-accused of the petitioner is at par, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. She, on instructions, has submitted that the petitioner is a habitual offender, who is already facing trial in 03 other cases. She, on instructions, has submitted that the investigation is complete. She has produced custody certificate of the petitioner today in the Court and the same is taken on record. She has endorsed the fact that the co-accused of the petitioner has already been granted bail by this Court vide order dated 22.07.2025.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. Both the co-accused, from whom the recovery of contraband 'ganja' weighing 1 Kg 197 grams was recovered, which is a non commercial quantity, have already been granted bail by the learned trial Court. The



petitioner though is involved in other cases as submitted before this Court, however in 02 of the cases, he is on bail and the same in itself cannot be a ground for non-consideration of the bail. The investigation already stands completed. As per the custody certificate filed, the petitioner has suffered incarceration of 05 months and 04 days as on 08.09.2025. Co-accused of the petitioner has already been granted bail by this Court vide order dated 22.07.2025.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail on parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

09.09.2025

rittu

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No

(RAJESH BHARDWAJ)
JUDGE