



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

CRM-M-54015-2024
Date of decision: 12.03.2025

AAKASH KUMAR **....PETITIONER**

VERSUS

STATE OF HARYANARESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Mohit Khatkar, Advocate and
Mr. Alok, Advocate for
Mr. Sameer Singh, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Status report dated 07.03.2025 in the form of an affidavit of Assistant Commissioner of Police, Sarai, Faridabad, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. By way of present petition filed under Section 483 of BNSS, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
264	03.10.2021	20 of NDPS Act	Sarai Khawaja, District Faridabad, Haryana.

4. Arguments heard.

5. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case. He further contends that the petitioner is not named in the FIR but has been nominated on the alleged disclosure statement of co-accused Ajay who

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was apprehended by the police along with 68 Kg 570 grams of *ganja* and the petitioner has no concern with the said transaction. He submits that the petitioner was arrested on 24.07.2024 and since then he is in custody. After completion of investigation, challan has already been presented in Court wherein the prosecution has cited 30 witnesses and till date none has been examined. Hence, prays for grant of bail.

6. Per contra, learned State counsel, by referring to the reply filed by the State, submits that the petitioner is actively involved in smuggling of narcotics and as such, he does not deserve concession of bail. Hence, he prays for dismissal of the petition.

7. After considering the rival contentions and perusing the record, it is observed that on the basis of secret information, a barricading was done by the police party and apprehended co-accused Ajay along with 68 kg and 570 grams of *ganja*. Subsequently, during the course of investigation, said Ajay made disclosure statement nominating the present petitioner.

8. Admittedly, the petitioner was arrested on 24.07.2024 and no recovery of contraband was effected from his possession. After completion of investigation, challan has already been presented in Court wherein the prosecution has cited 30 witnesses but till date none has been examined. Therefore, in these circumstances, considering the fact that the conclusion of trial, to ascertain criminal liability if any, on the part of the petitioner, will take sufficient long time and also the fact that no recovery



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of contraband was effected from the petitioner. It is observed that no purpose would be served by detaining the petitioner in custody any longer.

9. Accordingly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate/Judge on Duty concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

11. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.03.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |