

2025:PHHC:147784



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

CRM-M-51382-2025 (O&M)

Reserved on : 28.10.2025

Pronounced on : 30.10.2025

Vikash @ Kana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. K. S. Virk, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 763 dated 22.09.2024, registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sector 58, District Faridabad. The previous petition was dismissed as withdrawn.

2. Brief facts of the case relevant for the disposal of the present petition are that on 22.09.2024, on the basis of a secret information, the petitioner was apprehended by a police party and recovery of 05 kgs. 12 grams of Ganja was effected from him. He was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence.

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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery was planted upon him. He is in custody since long. The quantity of the recovered contraband does not fall under commercial quantity. Pendency of other cases against him cannot be considered to be a ground for denying him concession of bail. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take considerable time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions made by both the sides.

6. The petitioner is alleged to have been apprehended on 22.09.2024 while keeping in his possession 05 kgs. 12 grams of Ganja. The aforesaid quantity of the contraband admittedly does not fall under commercial quantity. A perusal of the custody certificate shows that the petitioner is in custody for the last more than 01 year and 01 month. Investigation has since been completed and *challan* has been presented. Conclusion of trial would obviously take time. Although, the petitioner is shown to be involved in some other cases but that alone cannot be made a ground to deny him concession of

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bail in given circumstances. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

30.10.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>