



CRM-M-52844-2025

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**(110) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-52844-2025
Date of Decision: 24.09.2025**

SURYA BHAN

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vishvjeet Gill, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the second petition under Section 483 of BNSS, 2023 is for the grant of regular bail in case bearing FIR No.386 dated 12.12.2023 (Annexure P-1) registered under Sections 20 & 29 of NDPS Act at Police Station Badli, District Jhajjar, Haryana.

2. The brief facts of the case are that secret information was received that Sachin, Monu, Baljit, Mukesh, Dinesh, Surya Bhan (petitioner), Kapil and Deepak were transporting Ganja in a Creta Car bearing no.CH 01BS 5132 and SX-4 bearing number HR-26 AT 6051. If a check post was set up then the said Ganja could be recovered. Thereafter Creta no. CH01BS 5132 and SX-4 number HR-26 AT 6051 were stopped. Four young boys were found sitting in the Creta who disclosed their names as Kapil, Surya Bhan, Sachin and Monu. The occupants of SX-4 car bearing number HR-26 AT 6051 disclosed their names as Dinesh, Baljit, Mukesh and Deepak @ Monu.

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From the SX-4 car, recovery of 100 Kg 250 grams of Ganja came to be effected.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The mandatory provisions of Sections 42 & 50 of the NDPS Act have not been complied with in their proper perspective. Some co-accused of the petitioner have been granted the concession of bail. As the petitioner has undergone a substantial period of custody, he too is entitled to the concession as prayed for.

4. On the other hand, the learned State counsel contends that the petitioner was granted the concession of interim bail and was to surrender on 06.04.2024. However, he did not do so and was apprehended in FIR No.314 dated 26.07.2024 under Sections 18(c) and 29 of NDPS Act P.S. Civil Line, Kaithal in which case he along with his co-accused Teja Ram @ Tejas S/o Laxman Ram have suffered their statements confessing their guilt and while upholding their conviction their sentence has been reduced to the period already undergone by them vide judgment dated 18.09.2025 passed by the Addl. Sessions Judge/Presiding Officer, Special Court of NDPS, Kaithal. Once the petitioner has committed a similar offence while being on interim bail, the satisfaction under Section 37 of the NDPS Act that he has not committed an offence and is not likely to commit one in future cannot be recorded. Even otherwise, the instant petition is the second one on behalf of the petitioner, the first one having been argued at length and withdrawn as

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recently as on 29.07.2025. Therefore, he is not entitled to the concession of bail.

5. I have heard the learned counsel for the parties.

6. As per the case of the prosecution the petitioner was apprehended while travelling in a Creta car which was accompanied by SX-4 car from which contraband came to be recovered. He was granted the concession of interim bail and was to surrender by 06.04.2024 but instead, committed a similar offence for which he came to be convicted and sentenced to the period already undergone by him as per judgment dated 18.09.2025 passed by the Addl. Sessions Judge/Presiding Officer, Special Court of NDPS, Kaithal. Therefore, the satisfaction as required under Section 37 of the NDPS Act that the petitioner has not committed an offence and is not likely to commit one in future cannot be recorded. The instant petition has been filed without any change in circumstances whatsoever.

7. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed with costs of Rs.10,000/- to be deposited with the Punjab State Legal Services Authority, Disaster Relief Fund, Account No.44426937384, IFSC Code: SBIN0014656 SBI, Sector 68, SAS Nagar. The receipt of the cost so deposited be filled with Registry, failing which the Registry to bring it to the notice of the Court.

(JASJIT SINGH BEDI)
JUDGE

24.09.2025 Whether speaking/reasoned:- Yes/No

JITESH

Whether reportable:- Yes/No