

2025.PHHC:011661



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

239.

CRM-M-56241-2024

Date of decision: 27.01.2025

Ram Bilash @ Ram Vilas

....Petitioner

Versus

State of Haryana

....Respondent

250.

CRM-M-727-2025

Ravi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Ashu Rana, Advocate, for the petitioners.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners, in both the petitions, detailed hereinabove, are seeking the concession of bail under Section 483 of BNSS, 2023 in case FIR No.286, dated 05.06.2024, under Sections 15(c)-61-85 of NDPS Act, registered at Police Station Sadar Thanesar, District Kurukshetra.

Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by this common order.

Learned counsel for the petitioners submits that the petitioners have no previous criminal antecedents and have been falsely implicated in the present case for allegedly transporting 60 kgs of poppy husk. It has been contended by the learned counsel that a Balero Canter in which the contraband was allegedly being transported is not even registered in the name of the petitioners but in the name of co-accused, Harbans. Learned counsel submits that since the investigation in the present case is complete and challan was present way back on 10.10.2024, further incarceration of the petitioners would serve no useful purpose, as till date, even charges have not been framed, coupled with the fact that since 14 prosecution witnesses have been cited, as a result of which, the trial is likely to be prolonged.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioners nor has he disputed that the petitioners have no previous criminal antecedents. However, it has been asserted by the learned State counsel that a secret information was received qua all the accused including the petitioners that they were travelling together in a Balero Canter in which 60 kgs of poppy husk was being transported.

On further instructions, learned State counsel has not disputed that the investigation in the present case is complete, challan having been presented. However, learned State counsel has controverted the submissions made by counsel for the petitioners with respect to the framing of charges; as per learned State counsel, charges have already been framed.

I have heard learned counsel for the parties and perused the material placed on record.

The alleged recovery effected from the petitioners, in the present case, is 60 kgs of poppy husk which is marginally higher than the minimum classified as 'commercial' under the NDPS Act. The petitioners are not stated to be involved in any criminal case, much less under the NDPS Act. Since as many as 14 prosecution witnesses have been cited and none yet examined, the trial is likely to take considerable time to conclude.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

Accordingly, the instant petitions are allowed and the petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

January 27, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No