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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-62382-2023
Date of decision:-11.03.2025

BHARAT BHUSHAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sukesh Kumar Jindal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 10.03.2023, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
101	03.05.2023	20 of NDPS Act	Sanoli District Panipat

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that even otherwise the alleged recovery effected from the petitioner is marginally higher than the non commercial quantity with which



the petitioner has no concern. He contends that no other case under NDPS Act is registered against the petitioner and he is in custody since 03.05.2023, after completion of investigation challan has already been presented in Court, wherein prosecution has cited 15 witnesses and till date none of the witness has been examined. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 1 kg 20 grams of Charas was recovered from the conscious possession of the petitioner, which falls within the purview of commercial quantity, as such, he does not deserve concession of bail. However, he has not denied the fact the petitioner is not having any other case registered under NDPS Act and after completion of investigation challan has been presented for trial in which prosecution has cited 15 witnesses and till date none of the witness has been examined.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution petitioner was the driver of the motorcycle wherein the co-accused Gautam @ Gullu was the pillion rider who was carrying the contraband in the bag carried by them. Petitioner and the co-accused were intercepted and apprehended on the spot and from their possession recovery of 1 kg 20 grams of Charas was effected. The recovery effected is marginally higher than the non commercial quantity. The petitioner is in custody since 03.05.2023 and after completion of investigation, challan has already been presented in Court wherein



prosecution has cited 15 witnesses and till date none of the witness has been examined. Petitioner is having clean antecedents. Therefore, keeping in view the assertion made by learned counsel for the petitioner (supra) and also the fact that the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining the petitioner any longer.

7. Resultantly, in these circumstances, 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 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.

8. 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.

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

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

11.03.2025

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