

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

2025:PHHC:029213



(209)

CRM-M-58393-2024

Date of Decision: 01.03.2025

Deepak Kumar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. P.S. Sekhon, Advocate for petitioner.

Mr. Arun Kumar Singla, AAG, Haryana.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.224, dated 31.07.2024, under Section 15, 27-A and 29 of NDPS Act, registered at Police Station, Pehowa, District Kurukshetra.

Learned counsel for the petitioner submits that petitioner has been in custody since 31.07.2024 after he was allegedly found in possession of 54 kgs of poppy husk (marginally higher than the minimum classified as commercial under the Act). Counsel has submitted that the investigation in the present case is complete as challan stands presented, however, there is no possibility of the trial concluding in the near future as none of the 26 prosecution witnesses has been examined till date.

On a pointed query, counsel has submitted that although the petitioner has previously been booked in one case under the NDPS Act, however, in the said case he was nominated on the basis of a disclosure

statement and no recovery of contraband was made from him; the said case was registered way back in the year 2019.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the submissions made by learned counsel for the petitioner qua the alleged recovery made from the petitioner nor has he disputed the custody period of the petitioner, who has now been in custody since 31.07.2024. Learned State counsel has further apprised the Court that challan stands presented and the next date fixed before the learned Trial Court is 18.03.2025.

However, learned State counsel, on instructions, submits that a specific secret information had been received qua the involvement of the petitioner in drug trafficking and it was only thereafter that the petitioner was nabbed by the investigating agency; although, recovery effected is 54 kgs. of poppy husk which falls within the commercial quantity under the Act.

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

The petitioner has been in custody since 31.07.2024. The recovered contraband i.e. 54 kgs. of poppy husk is just marginally higher than the minimum classified as commercial under the Act. The possibility of the trial concluding in the near future seems unlikely in the aforementioned facts and circumstances since none of the 26 prosecution witnesses has been examined so far, this Court deems it fit to admit the petitioner to bail.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his 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 petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

01.03.2025

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No