

2025:PHHC:004934



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

324

CRM-M-58470-2024 (O&M)

Date of decision: 15.01.2025

Abhishek @ Bholu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Mamta Panwar, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 147 dated 04.09.2024, registered under Section 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Kanina.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 04.09.2024, on the basis of a secret information, the petitioner was apprehended by a police party headed by ASI Suresh and recovery of 02 kgs. and 210 grams of Ganja was effected from. He was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* has been presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offence. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 04.11.2024.

2025:PHHC:004934



3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is nothing on record to connect the petitioner with the subject crime. Even otherwise, the quantity of the contraband allegedly recovered from the petitioner does not fall within the ambit of commercial quantity. He is not involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been filed. The petitioner is in judicial custody since 04.09.2024. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has opposed the prayer of the petitioner by submitting that he was apprehended by the police party on 04.09.2024 and recovery of 02 kgs. and 210 grams of Ganja was recovered from his possession. Trial is going on at a proper pace. The petitioner, if extended benefit of bail, may abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party on 04.09.2024 and recovery of 02 kgs. and 210 grams of Ganja was recovered from his possession. Admittedly, the quantity of the recovered contraband does not fall within the ambit of commercial quantity. The criminal antecedents of the petitioner are clean as he is not shown to be involved in any other criminal case, except the present one. He is in custody

2025:PHHC:004934



since 04.09.2024. Investigation has since been completed and *challan* has been presented. Conclusion of trial would obviously take time. There is no basis to state that if released on bail, the petitioner can abscond or indulge in similar offence. Keeping in view the aforesaid facts and circumstances and also in view of the period of incarceration of the petitioner, I am of the considered opinion that no useful purpose would be served by keeping him 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 of similar nature.

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.

15.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No