



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

CRM-M-60246-2024
Date of decision: 04.03.2025

Amar Singh @ Pappi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Faraz Nabi, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.737 dated 19.10.2023 Annexure P-1, under Section 20 of NDPS Act and Section 29 of NDPS Act added later on, registered at Police Station Palla, District Faridabad.

2. The allegations in nutshell are that on 19.10.2023, police apprehended petitioner, Subey, Shailender and Gudu @ Virender, while they were carrying separate bags. On checking of the bag of the petitioner, 10.760 kg of *ganja* was recovered. On checking of the bag of Subey, 10.790 kg of *ganja* was recovered from it. The contents of the bag which Shailender was carrying were also checked and it was found to be having 10.500 kg of *ganja*. In the same manner, on checking of the bag of Gudu @ Virender, it was found to be having 10.390 kg of *ganja*. All the four accused were arrested at the spot by the police.



3. The counsel appearing on behalf of the petitioner submits that the petitioner is falsely implicated in the present case and otherwise also the contraband stated to be recovered from the bag of the petitioner, is covered under non commercial quantity and thus, the stringent provision of Section 37 NDPS Act are not attracted to the said recovery and further the petitioner is in custody for the last more than 1 year and 4 months and it will take time for the trial to conclude. The counsel for the petitioner further submits that co-accused Shailender is already granted regular bail under the similar circumstances as are stated above, by the co-ordinate Bench of this Court vide order dated 31.07.2024 Annexure P-2. So, prayer is made that the petitioner be released on regular bail, pending trial, as no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. On the contrary, the State counsel submits that all the four accused were standing together having one bag each and the total weight of *ganja* recovered from them was 42.44 kgs and the same comes under commercial quantity and thus, is covered under the rigors of Section 37 NDPS Act. It is further submitted that trial is going on. However, the State counsel has not disputed the fact that co-accused Shailender is already given benefit of regular bail by co-ordinate Bench of this Court vide order Annexure P-2 and that it will take time for the trial to conclude.

5. I have considered the submissions made by counsel for the parties.

6. Similarly situated co-accused Shailender from whom police recovered 10.500 kg of *ganja* was already granted regular bail by the co-ordinate Bench of this Court vide order Annexure P-2 with the following



observations:-

“Admittedly, the recovery from the petitioner and his co-accused was from the bags separately carried by them. Whether the recoveries could be clubbed together shall be adjudicated upon during the course of trial. However, at this stage, as the recovery from petitioner is of 10.500 kg of ganja which is non commercial quantity, he is in custody since 19.10.2023 and none of the 24 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded any time soon and therefore, the further incarceration of the petitioner is not required.”

7. In the instant case, all the aforesaid circumstances as are discussed by the co-ordinate Bench of this Court, are same except for the fact that the recovery effected from the present petitioner was 10.760 kg of *ganja* and till date, prosecution has examined 7 witnesses out of total 24 witnesses. Even the aforesaid 10.760 kg of *ganja* comes under non commercial quantity and it will take time for prosecution to examine the remaining 17 witnesses. The aforesaid recovery of 10.760 kg of *ganja* is not covered by the rigors of Section 37 NDPS Act. In the given circumstances, the detention of the petitioner in judicial custody for any longer period is not going to serve any purpose.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.03.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No