

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

2025:PHHC:155682



CRM-M-61854-2025 (O&M)
Date of decision: 11.11.2025.

AMIT KUMAR

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Ms. Shivani Jaglan, Advocate,
for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.524 dated 08.09.2020, under Section(s) 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chandni Bagh, District Panipat.

2 The facts of the prosecution case, in brief are as under: -

“That the brief facts of the case as per the FIR are that on 08.09.2020, EASI Dharambir No. 135, EHC Sunil No. 407, and EASI Satbir No. 1489, along with government vehicle

driver Constable Sandeep No. 1403, were present near Babail Naka, MJR School Road Bypass, Panipat, for patrolling and crime investigation duty. During the course of patrolling, a young man was observed coming from the school side carrying a white-coloured cotton polythene bag in his right hand. On noticing the police party and government vehicle stationed ahead, the said person immediately turned back and started walking in the opposite direction. Finding his conduct suspicious, the Sub-Inspector (SI), with the assistance of accompanying police officials, apprehended him after a few steps and inquired about his name and address. The said person disclosed his name as Amit Kumar, son of Jaipal, resident of Maamor, Kairana, District Shamli, Uttar Pradesh. The SI, suspecting that the white-coloured wax polythene bag carried by Amit Kumar contained narcotic substance, informed him of his legal right under Section 50 of the NDPS Act, stating that he could have the search of his bag conducted before a Magistrate or a Gazetted Officer. A written notice under Section 50 NDPS Act was accordingly served upon Amit Kumar, which he read, understood, and signed in the presence of witnesses EASI Satbir No. 1489 and EHC Sunil No. 407, who also signed the notice. Amit Kumar gave his written reply on the notice stating that he wished the search of his white-coloured wax polythene bag to be conducted before a Gazetted Officer. Consequently, the SI informed Shri Pradeep Kalyan, XEN, Municipal Council, Panipat, a Gazetted Officer, about the situation on his mobile number 9991111103. Shri Pradeep Kalyan arrived at the spot shortly thereafter. The SI also informed the duty officer regarding the case situation, who directed the SI to proceed with the lawful search of Amit Kumar's bag. Before conducting the search, the SI himself was searched by EHC Sunil No. 407 in the presence of the Gazetted Officer, and except for daily use items, nothing incriminating was found. A search memo was prepared accordingly, which was signed by Amit Kumar, the

witnesses, and attested by the Gazetted Officer. Thereafter, in the presence of the Gazetted Officer, the SI conducted the search of the white-coloured heavy cotton polythene bag carried by Amit Kumar. On opening the bag, a light green leafy substance was found inside, which, on examination and by smell, was identified by the police officials based on their experience as Ganja (Cannabis). Amit Kumar also admitted the substance to be Ganja. A report of identification of the contraband was prepared and duly signed by Amit Kumar, the witnesses, and the Gazetted Officer. On weighing the recovered substance along with the white-coloured wax polythene, it was found to be 1 kg 400 grams. The recovered Ganja along with the white-coloured polythene bag was sealed in a parcel with the seal impression "S.S.", and the same was handed over to EASI Satbir No. 1489 for safekeeping. A sample seal was also prepared. The recovered contraband was taken into police possession vide recovery memo, which was signed by Amit Kumar, the witnesses, and attested by the Gazetted Officer. On finding Amit Kumar in illegal possession of 1 kg 400 grams of Ganja, he was found to have committed an offence punishable under Section 20 of the NDPS Act. Thus, the present FIR was registered.”

3 Learned counsel for the petitioner contends that initially the petitioner was granted the concession of regular bail vide order dated 30.10.2020 by the trial Court, Panipat. The petitioner continued to appear before the trial Court on each and every date of hearing and cooperated with the ongoing proceedings, however, on 26.09.2025 he filed an application seeking exemption from personal appearance as he was suffering from fever, which was declined by the trial Court on the ground of absence of medical certificate and sufficient cause and thus the bail granted to the petitioner was

cancelled; bail bonds/surety bonds were forfeited to the State and the trial Court further directed issuance of non-bailable warrants against the petitioner and notice to the surety. She contends that the petitioner voluntarily appeared before the trial Court on 08.10.2025 and since then he is in custody. She contends that the petitioner had been continuously appearing before the trial Court and once the exemption application was declined, he himself surrendered before the Court as such, there was no intention on the part of the petitioner to evade the process of law. She submits that the petitioner be released on regular bail.

4 On the other hand, State counsel contends that the prosecution evidence in the present case has already been concluded and statement of the petitioner under Section 313 Cr.P.C. also stands recorded. She therefore prays that the present petition seeking grant of regular bail be dismissed.

5 Having heard the learned counsel for the parties and taking into consideration the fact that the petitioner was earlier granted the concession of regular bail by the trial Court vide order dated 30.10.2020 and he had been regularly appearing before the trial Court and never delayed the trial; the application seeking exemption from personal appearance was filed and when the same was declined, the petitioner on the next date of hearing, himself surrendered before the trial Court which shows that there was no intention on his part to abscond from the proceedings and delay the trial; and the period of custody since 08.10.2025, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

November 11, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>