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AT CHANDIGARH**

**CRM-M-386-2025**  
**Date of Decision:28.07.2025**

Rohan @ Moni

...Petitioner

Vs.

State of Haryana

...Respondent

**Coram :    Hon'ble Mr. Justice N.S.Shekhawat**

Present:    Mr. Amit Choudhary, Advocate  
for the petitioner.

Mr. Rajeev Sidhu, Sr. DAG, Haryana.

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**N.S.Shekhawat J.(Oral)**

1.            The petitioner has filed the second petition under Section 483 of B.N.S.S with a prayer to grant of regular bail to him in case FIR No. 334, dated 22.06.2023, registered under Section 22 (C) of NDPS Act, Police Station Civil Lines, Hisar, District Hisar (Haryana) Annexure P-1.

2.            According to the prosecution story, the petitioner was found in conscious possession of 25 bottles of Codeine Phosphate and Chlorpheniramine Maleate Syrup, without any permit or licence.

3.            Learned counsel for the petitioner, *inter alia* contends that the petitioner has been falsely implicated in the present case. The quantity of contraband recovered from the petitioner falls under the category of “commercial quantity” and no independent witness was joined by the police party. He further contends that the petitioner is not involved in any other case.

Learned counsel for the petitioner next contends that the petitioner is in custody since 23.06.2023. The prosecution has relied upon 23 witnesses, but no witness has been examined so far. He next contends that similarly placed co-accused Sagar has already been granted the concession of bail by this Court in CRM-M-57819-2024 on 15.05.2025. Thus, it is prayed that he may be released on regular bail. Learned counsel for the petitioner has relied upon the law laid down by the Hon'ble Supreme Court in the matter of SLP No. 6690 of 2022, titled as **“Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”**, in which the Hon'ble Supreme Court held as follows:-

*“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured 'Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.*

*3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.*

*4. For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court.”*

4. On the other hand, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record carefully.

6. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband recovered from the petitioner falls under the category of ‘commercial quantity. The prosecution has relied upon 23 witnesses, but no witness has been examined so far. Moreover, similarly placed co-accused Sagar has already been granted the concession of bail by this Court in CRM-M-57819-2024 on 15.05.2025.

7. Consequently, keeping in view the above stated facts and the law laid down by the Hon'ble Supreme Court in the matter of **Dheeraj Kumar Shukla's case (Supra)** , the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate/Chief Judicial Magistrate.

(N.S.SHEKHAWAT)  
JUDGE

28.07.2025  
hitesh

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |