



CRM-M-65311-2024

-1-

**(218) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-65311-2024
Date of Decision: 05.08.2025**

AJAY @ SUNDI

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Himanshu Garg, Advocate
for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.153 dated 29.08.2024 registered under Sections 15(C)/61/85 of NDPS Act, 1985 at Police Station Garhi, Narwana District Jind.

2. The brief facts of the case are that secret information was received that Mangal, Randhir Singh and Ajay alias Sundi were doing the business of selling intoxicant poppy husk powder and would be travelling in two vehicles bearing No.DL-8CT-7157 make I20 and the I10 vehicle bearing No.DL-3CBP-0459 would be piloting the second I20 vehicle which is filled with poppy husk powder. Based on the said information, the FIR came to be registered. The I10 vehicle was stopped at a Naka and the driver disclosed his name as Ajay Sundi (petitioner). The I20 vehicle was stopped and Mangal

**CRM-M-65311-2024****-2-**

along with Randhir Singh were apprehended and the recovery of 58 Kgs of poppy husk came to be effected from the said vehicle.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No recovery has been effected from the vehicle in which the petitioner was travelling. It would be a moot point during the course of trial as to whether the two vehicles were travelling together and it was the vehicle of the petitioner that was conducting a reece. As the petitioner is in custody since 29.08.2024 but none of the 21 prosecution witnesses have been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that as per secret information the petitioner was piloting the I20 vehicle from which the contraband was recovered with his own I10 vehicle. Therefore, the offence stands established. He further contends that the petitioner is an accused in one other case under the NDPS Act arising out of FIR No.307 dated 14.12.2023 U/s 15(C), 61, 85 of NDPS Act, P.S. Patran, Punjab. He, however concedes that the petitioner is in custody since 29.08.2024 and that none of the 21 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. Even as per the prosecution case, when the petitioner was apprehended while driving the I10 vehicle, no recovery was effected from the said vehicle. It would be moot point during the course of trial as to whether the recovery from the I20 vehicle can be connected to the petitioner as well.

**CRM-M-65311-2024**

-3-

In this factual scenario, a *prima facie* satisfaction under Section 37 NDPS can be recorded.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ajay @ Sundi S/o Suresh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

05.08.2025

JITESH

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