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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

249

CRM-M-65212-2025
Decided on : 26.11.2025

RAJ KUMAR @ RAJU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pardeep Sihmar, Advocate
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Raj Kumar @ Raju	0031	09.04.2025	15, 29, 61 of NDPS Act	Khanauri	Sangrur

2. Learned counsel for the petitioner contends that, as per the secret information received by the police team, it was alleged that petitioner was engaged in bringing large quantities of crushed poppy seeds (*dode*) from outside the State and selling the same in the open market. It was further informed that even on the date in question, a consignment of crushed poppy seeds (*dode*) was being brought by the



petitioner and, if a raid is conducted, a substantial quantity could be recovered from the petitioner's animal house (*dangra bagal*). On the basis of this information, an FIR was registered, and during the subsequent raid, the prosecution claims to have recovered 75 kilograms of poppy straw from the petitioner's possession.

3. Counsel for the petitioner submits that petitioner is in custody since 13.04.2025, i.e., for a period of more than seven months. It is argued that although the information was received and FIR was registered on 09.04.2025, the recovery was allegedly effected much later, which creates a serious doubt and suggests the possibility of a false implication. Counsel submits that there was no justification for registering the FIR merely on receiving secret information without first effecting the actual recovery of the contraband.

It is further submitted that petitioner is 33 years of age (incorrectly recorded as 42 years in the memo of parties) and has no past involvement in any similar offence. Therefore, considering the period of custody and absence of any criminal antecedents, learned counsel prays for grant of regular bail to the petitioner in the present case.

4. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 25.11.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.



As per the custody certificate, in the present case, petitioner has already undergone 07 months and 12 days period inside jail and there is no other case registered against him.

5. Learned State counsel is unable to dispute any of the factual assertion as stated by counsel for the petitioner today before this Court. However, he prays for dismissal of the present petition.

6. On being asked by the Court, learned State counsel informs the Court that after completion of investigation, *challan* has already been submitted and out of total 15 prosecution witnesses, none has been examined, till date.

7. This Court has heard the submissions addressed by counsel for the parties and has also perused the record available before it.

8. Recovery in the present case is 25 kilograms above the maximum limit of non-commercial quantity; however, charges against the petitioner are yet to be proved. Trial is likely to take considerable time to conclude, as none of the 15 prosecution witnesses has been examined, so far. The fact that the alleged recovery was effected much later also raises a serious doubt and suggests the possibility of false implication. Truthfulness of the allegations will ultimately be determined by the trial court upon appreciation of the complete evidence.

9. In view of the totality of the circumstances, nature of allegations, and the factors discussed hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing



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bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

26.11.2025
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO