



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

219

CRM-M-65518-2025 (O&M)

Date of decision: 27.11.2025

Vishal Thakkar

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

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

Present :- Mr. Manik Makkar, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. This first petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.148 dated 09.05.2025, registered under Section(s) 22(C) (Section 29 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sushant Lok, District Gurugram.

2. The FIR was registered on the basis of a report submitted by an ASI of Police Station Sushant Lok, Gurugram. The ASI stated that on the intervening night of 08/09.05.2025, while on patrolling duty near Genpact Chowk, Golf Course Road, Gurugram, the police received credible secret information that a young man standing near Pinnacle Building, DLF Phase-V, Gurugram, with motorcycle No. DL-4S-DN-9940, was in possession of narcotic substances and was seeking a customer. Acting on this information, a raiding party was constituted and immediately proceeded to the spot. The

informer identified the suspect, who was thereafter apprehended by the police. Upon being questioned, the individual disclosed his name as Vishal Thakkar. During the search conducted in the presence of the Gazetted Officer, a coloured paper wrapped in silver foil was recovered from the right pocket of the accused's brown cargo pants. The accused admitted that the substance was LSD and failed to produce any licence or permit authorising its possession. The recovered material was weighed on a digital scale, yielding a total of 0.10 grams of LSD.

3. Learned counsel for the petitioner submits that the quantity recovered from the petitioner is 100 milligrams. He contends that, as per the Government notification, the prescribed commercial quantity for LSD is 0.1 gram. He submits that as per Section 2(vii-a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the "commercial quantity" must necessarily be *more than* the prescribed threshold. He contends that since the quantity recovered from the petitioner is not more than the prescribed commercial quantity, the recovery has to be treated as a non-commercial quantity. He also submits that the petitioner is not involved in any other case and he has been in custody since 09.05.2025 and has undergone an actual custody of 06 months and 17 days. He further contends that the investigation in the present case stands concluded and further custodial detention of the petitioner is not required in the present case.

4. Learned counsel for respondent-State does not dispute the aforesaid factual aspects.

5. Having heard the learned counsel for the parties and taking into consideration the period of actual custody, the quantity recovered and clean

antecedents of the petitioner and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

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

8. 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.

27.11.2025

Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

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