



231

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

**CRM-M No.67555 of 2025
Date of Decision: 05.12.2025**

Bagga

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Abhimanyu Balyan, Advocate;
Mr. Vikas Bairagi, Advocate and
Ms. Rajni Godara, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.343, dated 12.09.2025, under Sections 15(b) & 27-A of NDPS Act, 1985, registered at Police Station Sadar Fatehabad, District Fatehabad.

2. Succinctly the facts of the case are that the police party, while on patrolling on 12.09.2025, received a secret information to the effect that Bagga son of Chankuram is involved in selling the Poppy Husk. It was informed that he would come near village Gilokheda and in case of raid, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached at the place as disclosed in the secret information. A person carrying a plastic



bag on his right shoulder was seen coming from the village Gilokheda and thus, on suspicion, he was apprehended. On asking, he disclosed his name to be Bagga. He was suspected to be carrying some contraband and thus, the search was conducted. On conducting the search of the plastic bag, 11 Kgs of Doda Post (Poppy Husk) was recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL, the challan was presented. The petitioner approached the Court of learned Judge, Special Court, Fast Track under NDPS Act, Fatehabad praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Fast Track under NDPS Act, Fatehabad declined the bail application filed by the petitioner vide order dated 15.11.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the present FIR has been registered on the basis of secret information, however there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. He has submitted that even otherwise, the contraband recovered in this case is 11 Kgs of Poppy Husk, which is a non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. He has submitted that though the petitioner is prosecuted in 02 other cases,



however he is on bail in those cases. He has submitted that the investigation is complete. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 12.09.2025 and thus, in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner was specifically named in the secret information and the recovery of 11 Kgs of Poppy Husk was effected on due compliance of provisions of NDPS Act from the plastic bag, which he was carrying. She has submitted that the petitioner is involved in 02 other cases. She, on instructions, has submitted that the investigation is complete and the challan already stands presented. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the present FIR was registered on the basis of secret information. The petitioner was arrested on the spot on 12.09.2025. The recovered contraband of 11 Kgs of Poppy Husk admittedly is a non commercial quantity. Custody certificate produced would show that the petitioner has suffered incarceration of 02 months and 20 days as on 03.12.2025. It further reflects that the petitioner is involved in 02 other cases, however he is on bail in those cases. Investigation is complete and the challan has already been presented.

7. This Court would refrain itself from commenting anything on the merits of the case. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to

be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail.

9. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.12.2025

rittu

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)
JUDGE