



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

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**CRM-M No.68192 of 2025
Date of decision : 9.12.2025
Date of uploading : 9.12.2025**

Shivam Gupta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gaurav Verma, Advocat and
Mr. Kamal Chaudhary, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case bearing FIR No.197 dated 26.7.2025, registered for the offences punishable under Section 21(c) of the NDPS Act (Section 21(c) deleted and 22-B of NDPS Act added later on) at Police Station Sarai Khawaja, District Faridabad.
2. The gravamen of the FIR in question is that on a secret information, the petitioner was apprehended by the police patrol party on 26.7.2025 in the area near Metro Pillar No.72, Faridabad and on personal search, 12.10 grams of MDMA (Methylenedioxy methamphetamine) was recovered from the possession of the petitioner.
3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 26.7.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that mandatory provision of NDPS Act has not been complied with and therefore, the prosecution case suffers from defects. Learned counsel has further submitted that, in any case, the contraband alleged to have been recovered from the petitioner is 12.10 grams of MDMA, which is non-commercial in nature. Learned counsel has further submitted that the petitioner is a man with clean antecedents. Thus, regular bail has been prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned counsel seeks to place on record custody certificate dated 8.12.2025, in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner is in custody since 26.7.2025 wherein after investigation was carried out and challan in the present case was presented on 1.11.2025. Total 13 prosecution witnesses have been cited, but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. Further, recovery of the contraband alleged to have been effected from the petitioner is 12.10 grams of MDMA, which is concededly non-commercial in nature. *Ergo*, the provisions of Section 37 of NDPS Act would not apply. The rival



contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 8.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of around 4 months and 13 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.



(vii) The petitioner shall not in any manner try to delay the trial.
(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

9.12.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No