



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

218

CRM-M-71958-2025 (O&M)

Date of decision: 24.12.2025

Arshad

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Bhaskar Sorout, Advocate for the petitioner

Mr. B.S. Saroha, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.90 dated 07.06.2025, registered under Sections 21C and 29 of the NDPS Act, 1985 at Police Station Bicchore, District Nuh.
2. Learned counsel contends that the petitioner has been in custody for more than 6 months. The alleged recovery from him is 26 bottles of codeine syrup, which is less than small quantity, it being 5.2 grams. No independent witness was joined at the time of recovery. Co-accused Sahid has been granted bail by the trial Court vide order dated 29.10.2025, Annexure P-3. Challan was presented on 22.1.2025, however, charges have not been framed and in all there are 26 prosecution witnesses. The petitioner is not involved in any other case.
3. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the petitioner, who was apprehended at the spot. However, he is unable to controvert the submissions



with regard to stage, co-accused having been granted bail and the petitioner being not involved in any other case.

4. Heard.

5. Hon'ble the Supreme Court in **Saddam Hossain vs. State of West Bengal**, SLP (Crl.) No.15496 of 2023, decided on 03.05.2024 had granted bail to the petitioner after being in custody for 10 months, from whom 72 bottles of codeine was recovered, while this Court in **Anoop alias Anup Redhu vs. State of Haryana**, CRM-M-26688-2025, decided on 01.09.2025, wherein 500 bottles of the same syrup was recovered and granted bail after a period of more than a year.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 6 months and 13 days; not involved in any other case; co-accused is on bail; challan stands presented on 22.10.2025, however, charges are yet to be framed and there are a total of 26 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.



- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

24.12.2025
M.Kamra

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