

2026 PHHC 051934



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

266

CRM-M-4162-2026 (O&M)

Date of decision: 06.04.2026

Subhash Chander

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. BS Beniwal, Advocate for the petitioner.
Mr. Amrik Narwal, 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.62 dated 16.03.2024, registered under Sections 18(b) and 15 of the NDPS Act, at Police Station Bhuna, District Fatehabad.

2. Learned counsel contends that the petitioner, aged 64 years, has been in custody for 1 year, 10 months, 21 days. The alleged recovery from the petitioner is of 3.5 kgs. opium and 1 kg. poppy husk including the weight of the bag, which was not separated. He was granted interim bail which he did not misuse. No independent witness has been joined at the time of recovery. Charges have been framed on 02.12.2024, however, only 4, out of 19 PWs, have been examined. He is involved in one more case of the year 2019, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 23.03.2026 filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 10 months and 21 days.

4. Learned State counsel opposes the bail on the ground that commercial quantity of contraband has been recovered from the petitioner, who was apprehended at the spot. However, he is unable to controvert the

submissions with regard to stage, the petitioner being on bail in another case and never misuse the concession of interim bail.

5. Heard.

6. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal** SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year and 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

7. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted the bail to the petitioner therein after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

8. In **Sarabjeet Singh @ Sarbi vs. State of Punjab**, CRM-M718-2023, decided on 24.03.2023, **Gursant Singh @ Santu vs. State of Punjab**, CRM-M-37944-2020, decided on 07.09.2021, the recovery, as in the present case, was effected from a transparent polythene bag wherein the accused was granted bail. This Court granted bail in **Tajinder Singh vs. State of Punjab**, CRM-M-8212-2022, alleged recovery was of 270 grams of heroin and the accused was behind bars since 7 months and **Ladwinder Singh @ Laddi vs. State of Punjab**, CRM-M-44383-2022, wherein the recovery was of 2kgs. 700 grams opium and the accused remain in custody for 9 months.

9. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 10 months and 21 days; on bail in another case; did not misuse the concession of interim bail; charges stands framed on 02.12.2024, however, out of 19, only 4 PWs, have been examined, 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 and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

10. 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.

11. 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.

12. 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

06.04.2026

ashok

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