

2026.PHHC.070045



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

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CRM-M-4111-2026 (O&M)

Date of decision: 06.05.2026

Harshvardhan Naharwal @ Jimmy**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rahil Mahajan, Advocate and
Mr. Harsh Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case bearing FIR No. 299 dated 11.07.2025, registered under Section 20(B)(ii)(b), 22C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chandimandir, District Panchkula.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 11.07.2025, on the basis of a secret information, the petitioner was apprehended by a police party and recovery of 150 grams of charas and 23 grams of Methylene Dioxy Metha Mphetamine (MDMA) was effected. Since he could not produce any valid license or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. Upon interrogation, he disclosed that the recovered contraband was purchased by him from one Sachin Thakur, who was also nominated as accused in this case and was arrested on 17.07.2025. Investigation now stands completed.

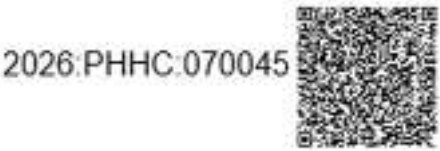
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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery was planted upon him. It is further argued that the mandatory provisions of the NDPS Act were not duly complied with during the search and seizure. Drawing attention to the CFSL report (Annexure P-3), it is submitted by learned counsel for the petitioner that Sample No. 2 has tested positive for Methamphetamine and not MDMA, as alleged by the prosecution. On this premise, it is argued that the recovered quantity of this contraband would not fall within the ambit of commercial quantity, inasmuch as the threshold for Methamphetamine is 50 grams, whereas the alleged recovery is only 23 grams. It is similarly contended that the recovery of charas, quantified at 150 grams, also falls short of the notified commercial quantity of 1 kilogram. It is further submitted that the investigation stands concluded and the challan has already been presented. The trial is likely to take considerable time, particularly as no prosecution witness has been examined so far. The petitioner has been in judicial custody since 11.07.2025. He has clean antecedents and there is no likelihood of his absconding or tampering with the prosecution evidence. It is, therefore, urged that no useful purpose would be served by continued incarceration of the petitioner and he deserves to be enlarged on bail.

4. Status report has been filed by the respondent-State. Learned State counsel has opposed the prayer of the petitioner by submitting that there are serious allegations against him. However, it is not disputed that the sample for the second contraband has tested positive for Methamphetamine and not for MDMA.

5. This Court has heard the rival submissions.



6. The recovery effected from the petitioner comprises 150 grams of charas and 23 grams of the alleged synthetic substance. As per the CFSL report placed on record, the said substance has tested positive for Methamphetamine and not for MDMA, as initially alleged by the prosecution. It is not disputed that the recovered quantities of both contrabands fall short of the notified commercial quantity under the NDPS Act. Hence, the rigours of Section 37 of the NDPS Act would not be attracted in the present case. The investigation stands completed and the challan has already been presented. The petitioner has been in custody since 11.07.2025. No prosecution witness has been examined so far and the conclusion of trial is likely to take time. There is nothing on record to suggest that the petitioner has any criminal antecedents or that he is likely to abscond or tamper with the prosecution evidence. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by further incarceration of the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

06.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>