



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(228)

CRM-M-6399-2026 (O & M)
Date of decision: 10.02.2026

Pardeep alias Prdeep

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Himanshu Bansal, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 483 of BNSS is for the grant of regular bail to the petitioner in case FIR No.0032 dated 04.02.2025 under Sections 20(b)(ii)(c) of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Rai, District Sonapat, Haryana.

2. The brief facts of the case are that on 04.02.2025, the petitioner-Pradeep and one Dinesh (since granted bail vide order dated 20.01.2026, Annexure P-6) came to be apprehended with 20 kgs. 770 grams of ganja. During the course of investigation, they disclosed that they purchased the said contraband from Ravi and Jaswant (both granted bail by this Court vide orders dated 26.08.2025 and 12.09.2025, Annexures P-3 and P-4 respectively) who were arrested on 06.02.2025. During further



investigation, accused-Ravi disclosed that the aforesaid contraband was procured from one Mohan.

3. The learned counsel for the petitioner contends that there is a violation of the mandatory provisions of the Act regarding the search and seizure. No independent witness of recovery was joined during the course of the recovery proceedings. Since the recovery of 20 kgs. 770 grams of ganja is marginally above the commercial quantity of 20 kgs., the petitioner is a first-time offender, in custody since 04.02.2025 and none of the 22 prosecution witnesses has been examined so far, the Trial of the case is not likely to be concluded anytime soon. Therefore, he is entitled to the concession of bail, moreso, when three co-accused, namely, Dinesh, Ravi and Jaswant have been granted the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the offences of this kind are on the rise and commercial quantity of contraband has been recovered from the accused because of which Section 37 of the Act would be a bar to the grant of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 04.02.2025, none of the 22 prosecution witnesses has been examined so far and that three co-accused have been granted the similar relief of bail.

5. I have heard the learned counsel for the parties.

6. In the cases of '*Sukhchain Singh @ Manga Versus State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh versus State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya versus State of Punjab (CRM-M-37645-2021)*' decided on *11.11.2022, 'Jang Kanwar Versus State of Punjab (CRM-M-53415-2021)*'



decided on 19.01.2022, 'Shankar Prashad Chanau Versus The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar Versus State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim Versus State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Gagandeep Versus State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi Versus State of Punjab, CRM-M-41039-2019, decided on 26.02.2020, Dalbara Singh Versus State of Punjab, CRM-M-47880-2022 decided on 16.01.2023', and Vivek Watts versus State of Punjab, CRM-M-13791-2022 decided on 15.02.2023, where the recovery from the accused was marginally above the commercial quantity for the respective contraband in each case, the Court granted bail to the accused therein.

7. In the present case, the alleged recovery from the petitioner is of 20 kgs. 770 grams of ganja which is marginally above the commercial quantity of 20 kgs. The petitioner is a first time offender with no other case under the NDPS Act registered against him. In this situation, the provisions of Section 37 of the NDPS Act can be relaxed to an extent and the case of the petitioner can be considered for the grant of bail, moreso, when he is in custody since 04.02.2025 but none of the 22 prosecution witnesses has been examined so far and three co-accused have been granted the concession of bail.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Pardeep alias Prdeep is ordered to be released on bail to the satisfaction of the Trial Court/Duty

Magistrate concerned.



9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case except the present one under the NDPS Act.
10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.
11. The petition stands disposed of.
12. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

February 10, 2026
sukhpreet

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