



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

219

CRM-M-14508-2026 (O&M)

Date of decision: 27.04.2026

Vinod

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rakesh Kumar Lathwal, Advocate for the petitioner

Mr. Gautam Kaile, 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.328 dated 25.08.2024, registered under Sections 20(b)(ii)(c) of NDPS Act (29 of the NDPS Act added later on in the final investigation report), at Police Station Kalanaur, District Rohtak.

2. Learned counsel contends that the petitioner has been in custody for 1 year and about 8 months. The alleged recovery of 27 kg and 100 grams of Ganja was effected from the middle seat of the vehicle, of which he was a co-passenger and whether he was in conscious possession thereof is debatable, while the driver-Deepak has since been granted regular bail by this Court vide order dated 12.03.2026, Annexure P-3, after being in custody for 1 year, 6 months and 15 days. No independent witness was joined at the time of recovery. There is non-compliance of mandatory provisions of Sections 42 and 50 NDPS Act. Charges have been framed on 28.02.2025 and only 9, out of 17 PWs, have been examined. He is not involved in any other case.

3. The custody certificate along with status report dated



24/26.04.2026, filed by the learned State counsel are taken on record. As per the same, the petitioner is behind bars for 1 year, 7 months & 21 days.

4. Learned State counsel opposes the bail on the ground that commercial quantity of contraband has been recovered from the petitioner and co-accused, who were 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.

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. Considering the facts and circumstances of the case and the



submissions made on behalf of the petitioner, in particular he being in custody for the last 1 year, 7 months & 21 days; not involved in any other case; co-accused is on bail; charges were framed on 28.02.2025, however, out of 17 PWs, only 9 have been examined so far, 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 as observed by Hon'ble the Supreme Court in **Rabi Prakash vs. State of Odisha**, SLP CrI No.4169-2023, decided on 13.07.2023, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act, thus the present petition is allowed.

9. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. 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.

11. 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

27.04.2026
M.Kamra

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