



CRM-M-20589-2026

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

255**CRM-M-20589-2026****Date of decision : 22.04.2026****Date of uploading:23.04.2026****Rakesh Kumar @ Khanna****.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Surjeet Singh Chahal, Advocate for the petitioner
(Through VC).

Mr. Vishal Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.489 dated 18.12.2025, under Sections 15(b)/27-A/31 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Fatehabad, District Fatehabad.
2. The gravamen of the allegations against the petitioner is that the petitioner is an accused of being involving in an FIR pertaining to NDPS Act involving alleged recovery of 20 Kg. 260 grams of poppy-husk (Kachra Doda Post) contained in a plastic bag (Katta), without any permit or licence from the petitioner.
3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 18.12.2025. Learned counsel has further submitted that the mandatory provisions of the NDPS Act have scrupulously not been



complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the contraband alleged to have been recovered from the petitioner is 260 grams of poppy-husk (Kachra Doda Post), which is non-commercial quantity specified in the notification issued under the NDPS Act. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 21.04.2026. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 18.12.2025 wherein after investigation was carried out and challan stands presented on 10.02.2026. Total 20 prosecution witnesses have been cited but none has been examined till date. Culmination of the investigation as also trial, in case occasion so arises, will take long. It is not in dispute that the contraband allegedly recovered from the petitioner 20 Kg. 260 grams of poppy-husk (Kachra Doda Post) contained in a plastic bag (Katta), which is non-commercial quantity and, thus, the rigors of Section 37 of the NDPS Act would not apply in this case. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing



tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

7. As per the custody certificate dated 21.04.2026 the petitioner has already undergone a total custody period of 4 months and 1 day & there is no other pending FIR against the petitioner.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

22.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No