



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22802-2026 (O&M)

Date of Decision: 03.07.2026

RAKESH KUMAR ALIAS KALU

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Vipul Sherwal, A.A.G., Haryana.

SANJAY VASHISTH, J. (ORAL)

Petitioner-Rakesh Kumar alias Kalu, aged 24 years, has filed the instant petition under Section 483 of the BNSS for grant of regular bail in case FIR No.185 dated 15.05.2025, registered under Sections 22(c) and 27A of NDPS Act and later on added Sections 61 and 85 of NDPS Act, 1985, at Police Station City Tohana, District Fatehabad, Haryana.

2. Briefly stated, the case of prosecution is that on 15.05.2025, a police party headed by SI Jagga Singh, on the basis of secret information, apprehended applicant-accused Rakesh Kumar @ Kalu son of Gian Chand. During his search 36 strips containing 1800 *Alprazolam* tablets, weighing 395 grams (including the weight of the strips and polythene) were allegedly

recovered in the presence of Sh. Ashish Kumar, Naib Tehsildar, Fatehabad, leading to the registration of the present FIR.

During investigation, applicant-accused Rakesh Kumar @ Kalu made a disclosure statement stating that he had purchased the recovered contraband from co-accused Rajpal @ Pali son of Om Parkash, upon which, Section 27A of the NDPS Act was added. During further investigation, on 18.05.2025, co-accused Rajpal @ Pali was arrested, who suffered disclosure statement regarding his involvement in the crime and having purchased recovered contraband from co-accused Deepak @ Kala and Mandeep son of Mishri Lal. Subsequently, Deepak @ Kala and Mandeep were arrested on 08.07.2025 and 09.07.2025, respectively and allegedly disclosed the involvement of Rakesh son of Durga. Deepak also allegedly got recovered empty medicines boxes from his house.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated as an accused in the present case and has been in judicial custody since 15.05.2025. He further submits that all the co-accused of the petitioner, who were subsequently arrested on the basis of the disclosure statement, have already been granted bail, except Rakesh Kumar son of Durga. Learned counsel further argues that despite the petitioner having remained in custody for more than one year and one month, even the charges have not yet been framed in the case. Therefore, the conclusion of the trial is not likely to take place in the near future. The petitioner has not been found to have indulged in any other similar activity. Therefore, it is prayed that a lenient view be taken while considering the petitioner's plea for bail.

4. Learned State counsel produces the status report by way of affidavit of Sh. Jai Bhagwan, H.P.S., Deputy Superintendent of Police, Tohana, District Fatehabad in Court today, which is taken on record. Office to tag the same at appropriate place. Copy thereof has been handed over to the counsel for the petitioner.

5. On the other hand, learned State counsel, while opposing the bail of the petitioner submits that a commercial quantity comprising 36 strips containing 1800 *Alprazolam* tablets, weighing 395 grams (including the weight of the strips and polythene) was allegedly recovered from the petitioner's possession. Therefore, the rigours of Section 37 of the NDPS Act would be applicable.

6. I have considered the submissions addressed by the respective counsel.

7. Undoubtedly, the recovery is of a substantial quantity, comprising 36 strips containing 1800 *Alprazolam* tablets. The gross weight of the recovered tablets along with the strips and polythene was found to be 395 grams. However, upon excluding the weight of the strips and the polythene, the net weight of the tablets was found to be 228 grams.

8. Looking at the aspect that the petitioner is 24 years of age and apart from the present case, has never been found to be involved in any other criminal or similar activity, this Court is of the view that he should be afforded a reasonable opportunity to rehabilitate himself in civilized society so that, on realizing his mistake, if any, he may not repeat the offence again.

9. Taking the circumstances and totality into consideration, primarily two of the reasons *i.e* not framing of charges till date and secondly,

the petitioner is inside jail for the last more than a period of one year and one month, I deem it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

12. Petition stands disposed of.

July 03, 2026
gurpreet

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No