



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-27167-2026
Decided on : 19.05.2026

Rahul . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Parminder Singh Sekhon, Sr. Advocate with
Mr. Rajdeep Singh Gill, Advocate, for the petitioner(s).

Mr. Amish Sharma, AAG, Haryana
assisted by ASI Sandeep Kumar.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rahul	376	28.10.2025	S. 20(b)(ii)(C) and 29 of NDPS Act, 1985	Tosham	Bhiwani

2. As per prosecution case, on the basis of secret information, against two of the accused, namely, (I) Sandeep @ Bhuriya, and (ii) Naveen, the raid was conducted and thereupon, named accused were arrested with total 1.148 kg. of charas.

After arrest of the above named accused, and registration of FIR, during the course of investigation, name of petitioner – Rahul was involved as supplier of recovered charas to the named accused, and thereupon, petitioner herein was arrested on 12.02.2026.

Further, on the basis of another disclosure statement of petitioner herein, one more accused – Bittu was nominated as an accused with the allegation that it was he, who had supplied the charas to the



petitioner – Rahul.

3. Learned Senior counsel for the petitioner refers to order dated 24.04.2026, passed in CRM-M-22713-2026 (Annexure P-3), whereby, co-accused – Bittu has been granted concession of anticipatory bail by this Court, in the present FIR case.

Further argues that neither from the said co-accused – Bittu, nor from the present petitioner, any narcotic contraband could be recovered, after they being arrested by the police. Moreover, recovery of charas in the present case is only 148 grams more than the threshold of ‘commercial quantity’, which is 1.00 kg. under the NDPS Act.

Accordingly, in view of above given facts & circumstances and also on the ground of parity, learned counsel for the petitioner prays for grant of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed custody certificate dated 18.05.2026, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel, while opposing the contentions of learned counsel for the petitioner, apart from the disclosure statement and also places reliance upon the CDR details, showing the connectivity of the petitioner with one of the named accused – Naveen. However, except this, no other substantial evidence could be highlighted at this stage.

Besides, he also fairly admits the other factual assertions made and noticed here-above, more particularly the fact that except of the present case, petitioner is not involved in any other case under any provision of criminal law or NDPS Act.

6. I have heard learned counsel for the parties and perused the relevant material available on record.

7. It is not disputed that the recovery of 1.148 kg. of charas, which falls within the commercial category, was effected from co-accused – Sandeep @ Bhuriya and Naveen. However, no recovery of any narcotic contraband has been effected either from the present petitioner or from co-accused – Bittu, who has already been granted concession of anticipatory



bail by this Court vide order dated 24.04.2026, passed in CRM-M-22713-2026.

It is further noticeable that the petitioner came to be nominated during the course of investigation on the basis of disclosure statement of the co-accused and, at this stage, except the disclosure statement and CDR details showing alleged connectivity of the petitioner with co-accused – Naveen, no other substantial material has been pointed out by the prosecution.

Besides, it is also not disputed that except the present case, the petitioner is not involved in any other criminal case under the NDPS Act or under any other penal law.

Further, though the recovery effected in the present case falls marginally above the prescribed commercial quantity under the NDPS Act, however, question regarding involvement and connectivity of the petitioner with the recovered contraband would be a matter to be adjudicated upon by the learned trial Court during the course of evidence.

8. Thus, considering the totality of the facts and circumstances noticed here-above; particularly the absence of any recovery from the petitioner; nature of evidence sought to be relied upon by the prosecution and also the principle of parity; this Court is of the considered view that rigours of Section 37 of the NDPS Act stand satisfied to a limited extent for the purpose of consideration of the present petition.

Accordingly, without commenting upon the merits of the case, 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.

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

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly



found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands **disposed of**.
 Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

May 19, 2026
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No