



CRM-M-28228-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

159

CRM-M-28228-2025
Decided on : 23.03.2026

SANDEEP ALIAS DHANCHU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

1. Present petition has been filed by the petitioner, seeking grant of regular bail, in case, FIR No.141, dated 26.02.2025, under Sections 29/27(a) of the NDPS Act and 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, registered at Police Station HTM Hisar, District Hisar.

2. After hearing the submissions addressed by counsel for the petitioner, on 27.11.2025, following order was passed:-

“2. Counsel for the petitioner contends that FIR was registered on the basis of secret information received by the police. Upon conducting raid, five accused persons, namely Deepak, Ashish, Mayank, Jatin and Prince, were apprehended. It was



subsequently acknowledged that all five had consumed ganja. After their arrest, the accused disclosed that ganja consumed by them had been supplied by the present petitioner, who had in turn procured it from one Arun Kumar. Thus, total seven persons, including the petitioner, are facing trial.

3. *It is further argued by learned counsel for the petitioner that no narcotic drug or psychotropic substance was recovered from the possession of any of the accused persons. The prosecution's case is solely based on the alleged consumption of ganja by the five apprehended individuals. Moreover, it is stated that out of those five persons, two were found to be juveniles, thereby attracting Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in addition to the provisions of the NDPS Act.*

4. *This Court seeks to apprise itself as to whether mere consumption of a narcotic substance or contraband constitutes an offence under the NDPS Act, and if so, under which provision, and what maximum sentence may be imposed for such an offence.*

5. *At this stage, learned counsel for the petitioner seeks some time to study the relevant statutory provisions and thereafter, assist this Court on the aforesaid issue.*

6. *List again on 28.11.2025.*

7. *To be shown in the urgent list.*

8. *To be taken up as first case of the day, at 10.00 A.M."*

3. Again, on 28.11.2025, petitioner was released on interim bail, by observing as under:-

“2. *In compliance with the previous order dated 27.11.2025 passed by this Court, and with reference to Section 27(a) of NDPS Act, learned counsel for the petitioner submits that ganja is included as a notified psychotropic substance under the said provision. Therefore, the alleged consumption of ganja by the petitioner, as stated in the FIR, would attract a maximum punishment of one year or a fine up to Rs.20,000, or both.*

3. *It is further submitted that petitioner is already in custody since 29.02.2025, i.e., for nearly eight months.*

However, counsel prays for some time to verify the relevant Central Government notification



under which ganja is classified as a psychotropic substance for the purpose of Section 27(a) of the NDPS Act.

4. *With regard to Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, counsel for the petitioner argues that there is not even an iota of evidence to suggest that petitioner, aged about 27 years, had provided or facilitated the consumption of ganja to the two juveniles/CCLs. Hence, the said provision, which is punishable with imprisonment up to seven years, would not be attracted in the present case.*

5. *It is also argued, and not disputed by learned State counsel, that no narcotic substance/contraband or drug has been recovered from the petitioner, and from any of the co-accused, or even from the alleged supplier whose name surfaced through the disclosure statement.*

6. *On the other hand, learned State counsel has filed status report dated 26.11.2025 and custody certificate dated 26.11.2025 in the Court today and the same are taken on record. Registry is directed to tag the same at the appropriate place on the file.*

7. *To enable counsel for the petitioner to further assist this Court, proceedings in the present petition is deferred for 29.01.2026.*

8. *Meanwhile, petitioner namely Sandeep @ Dhanchu is ordered to be released on interim bail **till the next date of hearing**, 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.”*

4. Noticing the submissions advanced by learned counsel for the petitioner, which have already been recorded in the earlier orders, and there being nothing brought to the notice of this Court to indicate that petitioner, who is of the age of 27 years, had facilitated the consumption of *ganja* by the two juveniles at a particular time, in order to proceed further by this Court into the matter.

However, the allegations regarding the delivery of *ganja* to other accused persons, as named in the FIR and arrested at the initial



stage, are founded primarily on the disclosure statement. Culpability of the petitioner, therefore, can only be determined after the complete evidence is adduced before the trial court.

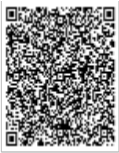
5. Even the authenticity and evidentiary value of the said disclosure statement remain to be tested during the course of trial. Involvement of the petitioner, based solely on the disclosure statement of a co-accused, has been seriously disputed by learned counsel for the petitioner.

6. In view of the above circumstances, this Court deems it appropriate to grant the concession of regular bail to the petitioner by confirming the interim bail order dated 28.11.2025.

7. Consequently, petitioner is ordered to be released on bail, subject to his furnishing fresh 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.

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

9. 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.



CRM-M-28228-2025 5

10. 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.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

23.03.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO