



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

218

CRM-M-28081-2026 (O&M)
Date of decision : 22.05.2026

Naved

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. B.S. Rathee, Advocate for the petitioner.

Ms. Deepali Verma, AAG Haryana.

SURYA PARTAP SINGH, J.

This petition for bail is the second petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.277 dated 24.12.2024, for the commission of offence punishable under Sections 21C [Section 29-61-85 added later on] of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act', Police Station City Nuh, District Nuh.

2. The FIR of this came into being at the instance of SI Kimti Lal. It was reported by the abovenamed police officer that on 24.12.2024, when he was leading a team of police officials, deputed for patrolling duty, at about 10:20 P.M., a reliable source gave him an information that Naved (the petitioner herein) and Aakib who were travelling in a car, were carrying large quantity of codeine phosphate.



3. According to prosecution, pursuant to abovementioned information the barricade was raised and the car bearing Registration No.HR93C8479 make Verna was intercepted. As per abovenamed police officer when search of the car was conducted it was found that in the abovementioned car the abovenamed accused were carrying 360 bottle of codeine phosphate each containing 100 ml (total 36 kg).

4. It is the case of the prosecution that pursuant to abovementioned recovery of contraband, requisite formalities with regard to seizure and sealing of contraband, lodging of FIR and arrest of the accused were completed and further investigation taken up.

5. **Notice of motion.**

6. Ms. Deepali Verma, AAG Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner has already suffered incarceration for a period of one year four months and twenty five days and that the trial is not progressing as in the last 4-5 days, the witnesses were summoned by the trial Court but they did not turn up and therefore, their testimonies could not be recorded. As per learned counsel for the petitioner against the police officials even the warrant of



arrest have been issued by the learned trial Court but their statements are yet to be recorded and thus, it can be inferred that there is delay in trial.

9. In addition to above, it has also been contended by learned counsel for the petitioner that the co-accused has already been granted the benefit of bail and that former application filed by the petitioner was not decided on merit. In support of his argument, learned counsel for the petitioner has referred to the principles of law laid down by Hon'ble Supreme Court of India in the case of 'Rajadurai Versus The State of Tamil Nadu' 2026(2) RCR (Criminal) 811 and 'Md. Tajiur Rahaman @Tajiur Rahaman' [SLP (Criminal) No.12225 of 2024, decided on 08.11.2024].

10. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel in the present case the petitioner cannot claim parity with his co-accused, namely 'Deepanshu', as the petitioner was the driver of the vehicle carrying the contraband. According to learned State Counsel, the quantity of contraband found in possession of co-accused of the petitioner is 36 time of the lower threshold fixed for commercial quantity which shows that it was a huge catch. As per learned State Counsel since rigors of Section 37 of NDPS are attracted in the present case without satisfying the twin conditions, the petitioner is not entitled to the benefit of bail.

11. The record has been perused carefully.

12. At the very outset, it is pertinent to mention here that one of the grounds seeking for bail is the parity with co-accused Deepanshu. With regard to above, it is relevant to mention here that there was no allegation against the co-accused 'Deepanshu', that he was in possession of the contraband and his involvement in the case was, merely, on the basis of

disclosure statement of co-accused. However, the case of the petitioner stands on a different footing as he was found in possession of contraband. Thus, it is hereby held that on the ground of parity the petitioner is not entitled to the benefit of bail.

13. As far as the second ground, i.e. delay in trial is concerned in view of the fact that the former application for bail filed by the petitioner was dismissed on 05.02.2026 and from the date of dismissal of first application no significant period has elapsed, it is hereby held that, it cannot be observed, at this stage, that there is change in circumstances or there is inordinate delay in trial.

14. Thus, it is hereby observed that at this stage, on the abovementioned ground, the petitioner is not entitled to the benefit of bail.

15. Taking into consideration the abovementioned discussion, it is hereby observed that the present petition is devoid of merits and deserves dismissal. Hence, the same is hereby *dismissed*, accordingly.

(SURYA PARTAP SINGH)
JUDGE

22.05.2026

Vinod

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No