



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

108

CRM-M-29203-2025 (O&M)

Date of decision: 25.03.2026

Ajay Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.S. Ahluwalia, Sr. Advocate with
Mr. Gaurav Jain, Advocate for the petitioner

Mr. B.S. Saroha, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.411 dated 11.10.2024, registered under Sections 22(c) of NDPS Act (Final Report has been presented under Sections 22(c) & 29 of NDPS Act, at Police Station Pundri, District Kaithal.

2. Learned Senior counsel contends that the petitioner has been in custody for 1 year and about 6 months. He is a diploma holder in Pharmacy as also a registered pharmacist with Haryana State Pharmacy Council. He along with his father is running a licensed chemist shop, documents whereof have been appended as Annexure P-5 and P-6. As is recorded in the order dated 27.08.2025 passed by the Coordinate Bench that he had been falsely implicated in this case on account of the fact that CIA official has some grudge against him due to refusal to supply medicines to him, since he is a wholesaler and not a retailer. He was apprehended while going to his shop at 10.00 A.M., while his



arrest was shown at 07:36 P.M. An application has also been moved before the learned Special Judge for preservation of CCTV footage, which was opposed by the said investigating agency on account of their privacy being compromised. Co-accused Krishan Kumar has been granted regular bail by this Court vide order dated 20.03.2026. Charges have been framed on 25.04.2025 and out of total 14 prosecution witnesses, none has been examined. He is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the petitioner, who was apprehended at the spot. However, he is unable to controvert the submissions with regard to custody, stage, co-accused having been granted bail and the petitioner being not involved in any other case.

4. Heard.

5. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal** SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year and 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

6. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted the bail to the petitioner therein after he had



undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody; not involved in any other case; co-accused is on bail; charges were framed on 25.04.2025, however, the prosecution evidence is yet to commence, in all there are 14 PWs, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.



- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

25.03.2026
M.Kamra

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