

2026:PHHC:027296



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

114-1

**CRM-M-30574-2025
Date of Decision: 19.02.2026**

ZAKIR HUSSAIN @ KAIF

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Sahil Chaudhary, Advocate
for the petitioner.

Ms. Ruchi Sekhri, Addl. A.G., Haryana.

H.S. GREWAL, J. (ORAL)

The petitioner is seeking regular bail under Section 483 BNSS, 2023 in case FIR No.0043 dated 19.02.2025, under Sections 22(c) of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) registered at P.S. Mullana, District Ambala.

2. The case of the prosecution is that from one Om Parkash, 1.941 Kgs of tramadol tablets were recovered. Said Om Parkash named Abhishek as the person for whom the said contraband was supplied. Om Parkash has also stated that he had purchased the contraband from Zakir Husain (present petitioner) and in the disclosure statement of said Zakir Husain, the name of co-accused Sumit had surfaced. Further, on the basis of disclosure statement of said Sumit, co-accused Sunil Dixit was implicated in the present case. Said Sunil Dixit was an employee of Jai Pharma Medical Store, CT Super Market Kankar Khara District Meerut. Further, said Sunil Dixit named his employer namely Jai Bhagwan, who is the owner of said Jai Pharma Medical Store.

3. Learned counsel for the petitioner submits that apart from the said disclosure statements, there is no other evidence to connect the petitioner with the alleged offence. Even no recovery has been effected from the present petitioner. It

is further submitted that the petitioner is in custody for the last 11 months and 20 days, therefore, petitioner be released on regular bail.

4. Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner on the ground that the role attributed to the petitioner is specific and serious. Learned State Counsel has filed the custody certificate of the petitioner, which is taken on record. As per the said custody certificate, the petitioner is in custody for the last 11 months and 20 days.

5. I have heard the learned counsel for the parties and perused the record.

6. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last 11 months and 20 days, this Court is of the opinion that the petitioner deserves the concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, therefore, he is entitled to regular bail during the pendency of the trial.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

FEBRUARY 19, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

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