



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-41612-2025
Decided on : 06.04.2026

Tahir . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ram Singh Chaudhary, Advocate and
Mr. Pulkit Mago, Advocate,
for the petitioner(s).

Mr. Parveen Kumar Aggarwal, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant second 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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Tahir	76	20.03.2024	20, 25, 29 (Act No.61) of NDPS Act, 1985 and 120-B, 201 of IPC, 1860	Punhana	Nuh

2. As per case of the prosecution, on 20th March, 2024, when ASI Gopal Singh along with other police officials was present at the turn of Jhurkheda, a secret information was received that one Tata Canter, which had been apprehended on the intervening night of 16/17.03.2024 on Sikrawa Road, is carrying narcotic substance, i.e., Ganja Patti, concealed in a specially prepared box in the rear portion of the driver's cabin, the window of which opens from the roof of the Canter.



On receipt of the said information, it was revealed that on 16/17.03.2024, SI Yashpal along with the police party had apprehended the said Tata Canter near *naka-bandi*, however, the driver had fled away from the spot, leaving the vehicle behind. The said Tata Canter bearing registration No. MH-12-HD-1791 was brought to Police Station Punhana and was impounded. Thereafter, upon conducting search in the presence of Duty Magistrate/Tehsildar, Punhana, 20 packets of Ganja were recovered, weighing in total 596.200 kg. On the basis of the said recovery, FIR in question came to be registered.

3. On being asked by this Court, learned State counsel further clarified that on 23rd March, 2024, a supplementary statement of ASI Gopal Singh was recorded with regard to receipt of secret information, wherein names of certain persons were disclosed as being involved in the dealing of narcotic substances and connected with the recovery of Ganja weighing 596.200 kg from the Tata Canter. The names so disclosed were (i) Tahir (**petitioner herein**), (ii) Jameel, (iii) Khalil, and (iv) Sabir.

Thus, learned counsel for the petitioner submits that when there was no clue available with the Investigating Agency regarding the actual accused, a concocted version of receipt of secret information was introduced and thereafter, petitioner along with other accused persons was falsely implicated in the present case.

4. Learned counsel for the petitioner further argues that the Tata Canter was allegedly apprehended on 16/17.03.2024 and thereafter, same was brought to the Police Station, where search of the said vehicle was conducted after four days. There is no explanation available on record as to why the search was not conducted immediately at the spot and instead the



vehicle was brought to the Police Station.

He further argues that it is quite possible that the actual recovery might have been effected from some other accused or vehicle, and in the absence of any clue regarding such vehicle, present vehicle has been introduced in the case by showing recovery of huge quantity of Ganja, i.e., 596.200 kg.

It is further argued that on the one hand, there is nothing on record to establish that petitioner is directly connected with the said Tata Canter. Moreover, a separate recovery of 10.200 kg of Ganja has been shown to have been effected from the house of the petitioner. Thus, petitioner, who is inside the jail for the last more than 02 years, is in fact being detained on account of alleged recovery of 10.200 kg of Ganja, which falls within the non-commercial quantity.

5. Learned counsel also argues that the owner of the Tata Canter has been found to be one Sameer Sharad Panjee, however, there is no explanation available on record as to why the said owner has not been arrayed as an accused by the Investigating Agency. Even, one of the co-accused, whose name was allegedly disclosed by the secret informer, namely Jameel, has already been declared innocent during investigation.

There is yet another accused, namely Alok, who is still to be arrested. Thus, broadly, learned counsel for the petitioner argues that for the alleged recovery of 10.200 kg of Ganja, petitioner cannot be kept behind bars for an indefinite period. Accordingly, he prays for grant of concession of regular bail to the petitioner.

6. On the other hand, learned State counsel has filed the custody certificate dated 03.04.2026 in Court today, which is taken on record. Office



to tag the same at the appropriate place. A copy thereof has been handed over to learned counsel for the petitioner.

7. Learned State counsel, while vehemently opposing the prayer for bail, submits that a huge quantity of Ganja, i.e., 606.400 kg (596.200 kg + 10.200 kg), has been recovered in the present case. It is further submitted that there cannot be any motive on the part of the Investigating Agency to falsely implicate the petitioner or any other accused in the present case. Thus, it is argued that secret information received by the Investigating Officer cannot be doubted at this stage for the purpose of extending concession of regular bail to the petitioner.

Besides, learned State counsel also points out that first bail petition filed by the petitioner, i.e., CRM-M-44731-2024 titled as “*Tahir v. State of Haryana*”, was dismissed by the Coordinate Bench of this Court vide order dated 18.12.2024 (Annexure P-8) by passing a detailed order. Therefore, it is submitted that present petition is also liable to be dismissed, as no fresh ground has been made out.

8. At this stage, on being asked by the Court, learned State counsel further submits that out of total cited 23 prosecution witnesses, 10 witnesses have been examined so far. However, there is no denial to the fact that petitioner is inside jail for the last more than a period of 02 years and 04 days. As per custody certificate, petitioner, who is about 40 years of age, is not shown to be involved in any other case, more particularly under the NDPS Act.

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

10. Undoubtedly, petitioner, aged about 40 years, is not reported to



be involved in any other case under the NDPS Act. He is inside the jail for the last more than a period of 02 years. Besides, it is yet to be established by the prosecution, during the course of trial, as to how the petitioner is connected with the recovery of 596.200 kg of Ganja, which was allegedly recovered from the Tata Canter.

Further, for the reasons recorded here-above, this Court does not find any substantial ground to continue the detention of the petitioner inside the jail any longer, particularly when the trial is likely to take considerable time to reach its conclusion.

11. In view of the totality of the facts and circumstances noticed here-above, and without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, this Court deems it appropriate to extend the concession of regular bail to the petitioner.

Consequently, 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.

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

13. 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.

14. 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.

15. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

April 06, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*