



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-44431-2025
Decided on : 16.03.2026

Harjinder @ Billa . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Saksham Sharma, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana
assisted by ASI Manoj, 1509/Panipat

SANJAY VASHISTH, J. (Oral)

1. The instant 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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harjinder @ Billa	110	04.05.2025	15 of NDPS Act, 1985	Panipat Sadar	Panipat

2. As per the case of the prosecution, from a car, make Swift Dzire bearing registration No. HR06-GV-2031, 30.840 kg of poppy-husk was recovered from plastic bags lying in the dicky of the said vehicle. The said car was being driven by co-accused Sohan Lal, who fled away from the spot, whereas the petitioner, who was sitting on the conductor seat, was apprehended by the police at the spot.

3. Learned counsel for the petitioner argues that the quantity of poppy-husk allegedly recovered is less than the commercial quantity, which



is prescribed as more than 50 kg under the NDPS Act. It is further submitted that the petitioner had no knowledge of the contraband lying inside the car.

It is contended that the question as to whether the petitioner had knowledge of the contraband or was in conscious possession of the same is a matter to be determined by the trial Court after appreciation of the entire evidence.

4. Learned counsel further submits that mere presence of the petitioner in the car at the time of recovery cannot be a ground to presume his involvement in the offence. It is also submitted that the petitioner is inside the jail since 04.05.2025, i.e., for more than a period of 10 months. Therefore, in view of the aforesaid facts and circumstances, learned counsel prays for grant of concession of regular bail to the petitioner.

5. On the other hand, learned State counsel, while opposing the prayer for bail, submits that the recovery of 30.840 kg of poppy-husk has been effected from the car in which the petitioner was travelling. It is contended that the petitioner was apprehended from the spot while sitting in the vehicle and, therefore, his involvement in the commission of offence cannot be ruled out at this stage.

Further submits that the offence under the NDPS Act is of serious nature and, therefore, the petitioner does not deserve any leniency. However, it is not disputed that the recovered quantity is less than the commercial quantity. It is also not disputed that the petitioner is not involved in any other case of similar nature.

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



7. At this stage, without commenting upon the merits of the case, it is noticed that the alleged recovery effected in the present case is of 30.840 kg of poppy-husk, which is less than the commercial quantity prescribed under the NDPS Act. Therefore, the rigours of Section 37 of the NDPS Act are not attracted in the present case.

It is further a matter of record that the petitioner was sitting on the conductor seat of the vehicle and the contraband was allegedly recovered from the dicky of the car. The question as to whether the petitioner was in conscious possession of the contraband or had knowledge thereof is a matter to be adjudicated by the trial Court on the basis of evidence led by the parties.

It is also not disputed that the petitioner is inside the jail since 04.05.2025, i.e., for more than a period of 10 months, and the trial is likely to take time to conclude.

8. Keeping in view the totality of the facts and circumstances of the present case, the nature of allegations, the quantity of contraband involved, the period of incarceration already undergone, and without expressing any opinion on the merits of the case, this Court is of the considered view that the petitioner deserves the concession of regular bail.

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.

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



indirectly.

10. 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.

11. 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.

12. Petition stands **disposed of**.
Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

March 16, 2026
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No