



146(2 cases)

THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

1. CRM-M-49280-2025

Virender ..... Petitioner

Versus

State of Haryana ..... Respondent

2. CRM-M-55003-2025

Deepak ....Petitioner

Versus

State of Haryana ....Respondent

Date of Decision: 27.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Anurag Mishra, Advocate (in CRM-M-49280-2025)  
Mr. Himanshu Bansal, Advocate (through VC)  
(in CRM-M-55003-2025)  
for the petitioner(s).

Ms. Diya Sodhi, Senior DAG, Haryana.

RAJESH BHARDWAJ, J.

1. By way of this common order, this Court intend to decide  
abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present  
petitions praying for granting them regular bail in case FIR No.123 of  
2024, under Sections 20 and 29 of the NDPS Act and 318(4), 347(1),



317(2) of the BNS, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

3. Succinctly, facts of the case are that on 12.07.2024 while the police party was on patrolling at Manesar to Rai KMP Road in connection with the search of narcotics substance, a secret informer approached and informed that Mohit, Virender, Satish and another person in cars bearing no. HP97-4694 mark Creta white colour and a car no.CG-10AK-0003 mark Scorpio have gone to get Ganja and if nakabandi is conducted, they could be apprehended along with the contraband. On receiving the information, the police party reached at the disclosed place and nakabandi was made. A Scorpio car and a white coloured Creta car as disclosed in the secret information were seen coming and they were signalled to stop, however, the person sitting on the conductor seat in the Scorpio car ran away but the person sitting on the driver seat was apprehended. On asking, he disclosed his name as Virender (petitioner in CRM-M-49280-2025), who further disclosed the name of the person sitting on the conductor seat of the Scorpio car was Satish. Thereafter, Creta car was also make to stop but the driver of the car also ran away from the spot leaving behind the car. But the person sitting on the conductor seat was apprehended. On asking, he disclosed his name as Mohit, who further disclosed the name of the driver of the Creta car to be Deepak (petitioner in CRM-M-55003-2025). They were suspected to be carrying contraband and hence, their search was conducted. On conducting the personal search of Virender, Rs.6,000/- and a mobile



phone were recovered and from the trunk of the Scorpio vehicle, four yellow colour plastic bags containing ganja were recovered. Then on conducting search of Mohit, Rs.4,470/- as drug money and a mobile phone was recovered. The Creta car was also searched in which 7 yellow colour plastic bags containing ganja got recovered. Each plastic bag was weighted and it found 16 kgs of ganja. In this way, both the cars were found containing 64 kg of ganja and 112 kg of ganja, hence, in total 176 kgs of ganja were recovered. They failed to produce any license regarding the possession of the same. Thus, the FIR was registered and investigation commenced. Petitioner-Virender was on arrested on the spot, however, during investigation complicity of petitioner-Deepak surfaced on the basis of disclosure statement of co-accused, Mohit and thus, he was arrayed as an accused in the present case and resultantly, arrested on 17.09.2024. On completion of the investigation, challan was presented and charges were framed. Petitioners approached the Court of learned Additional Sessions Judge, Jhajjar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide orders dated 12.08.2025 and 24.07.2025, respectively. Hence, being aggrieved, petitioners are before this Court by way of filing the present petitions praying for grant of regular bail.

4. Learned counsel for the petitioner-Virender (in CRM-M-49280-2025) has vehemently contended that the petitioner has been falsely and frivolously implicated in this case. He has submitted that on



12.07.2024 when the alleged incident took place, the petitioner was going to his hometown and the police party stopped his car and got recovered 64 kg of ganja. He has submitted that the petitioner was not aware that any psychotropic substance has been placed in his car. He has submitted that there is nothing on record to show that the petitioner was in possession of 64 kg of ganja as the vehicle itself in which the alleged substance was found, does not belong to the present petitioner. He has submitted that though the alleged recovery was effected from the public place, no independent witness was joined, hence, there is violation of provisions of Section 42 of the NDPS Act. He has submitted that as per the definition of ganja it clarifies that ganja is the flowering or fruiting tops of the cannabis plant excluding the seeds and leaves when not accompanied by the tops, however, without segregating the seeds or other parts of the plants, the police party had entirely weighed 11 plastic bags and concluded that it was 176 kg of ganja. He has further submitted that the petitioner is behind the bars since the date of his arrest and hence, the right of speedy trial is miserably defeated in the present case.

5. Learned counsel for petitioner-Deepak (in CRM-M-55003-2025) has submitted that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the petitioner has been arrayed as an accused on the basis of disclosure statement of co-accused, namely, Mohit which is not even an admissible evidence. He has submitted that the petitioner was not even present at the time when the alleged contraband was recovered.



6. It is thus, submitted that in the overall facts and circumstances of the present case, petitioners deserve to be granted bail.

7. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsels for the petitioners. She has submitted that the petitioners were actively involved in purchasing and selling of the contraband/ganja. She has submitted that from the cars of the present petitioners, total recovery of 176 kgs ganja was effected, which falls under the category of commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. She has submitted that the petitioners along with co-accused have committed such serious offence which have serious repercussions on society at large and affect the youth of the nation. She, on instructions, has submitted that the investigation is at initial stage and out of total 31 prosecution witnesses, only 01 witness has been examined till date. She has further submitted that release of the petitioners may hamper the examination of the witnesses, therefore, they does not deserve the concession of regular bail.

8. After hearing learned counsel for the parties and perusing the record, it is deciphered that petitioner-Virender was named in the secret information however, petitioner-Deepak was arrayed as an accused on the basis of disclosure statement of co-accused, Mohit. It was alleged that from the car of the petitioners, total recovery of 176 kgs of ganja was effected which falls under the category of commercial quantity. The argument raised by learned counsel for the petitioner in CRM-M-49280-

2025 that the seeds and other parts are required to be segregated for determining the actual quantity of ganja cannot be accepted at this stage. Whether the recovered substance falls within the exact definition of ganja or not is a matter to be examined during trial. As submitted by the State, investigation is at its initial stage as out of 31 prosecution witnesses, only 01 witness has been examined till date.

9. Considering the facts and circumstances of the case, this Court is not inclined to grant regular bail to the petitioners. Accordingly, the present petitions are dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

27.03.2026  
*m.sharma*

(RAJESH BHARDWAJ)  
JUDGE

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