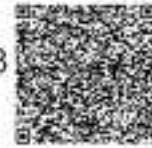


2026.PHHC.038233

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

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CRM-M-50430-2025 (O&M)
Date of decision: 12.03.2026

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Yadav, Advocate for the petitioner.
Mr. BS 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.328 dated 25.08.2024, registered under Sections 20(b)(ii)(c) and 29 of the NDPS Act, at Police Station Kalanaur, District Rohtak.

2. Learned counsel contends that the petitioner has been in custody for 1 year, 6 months and 15 days. The alleged recovery is 27 kgs. 100 grams Ganja from middle seat of the vehicle of which the petitioner was a driver and whether he was in conscious possession thereof is debatable. No independent witness has been joined at the time of recovery. There is non-compliance of mandatory provisions of Sections 42 and 50 NDPS Act. Charges have been framed on 28.02.2025 and only 7, out of 17 PWs, has been examined. He is not involved in any other case under the NDPS Act.

3. Learned State counsel opposes the bail on the ground that commercial quantity of contraband has been recovered from the petitioner, who was apprehended at the spot. However, he is unable to controvert the

submissions with regard to custody, stage and the petitioner being not involved in any other case under the NDPS Act.

4. Heard.

5. 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.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 6 months and 15 days; not involved in any other case under the NDPS Act; charges were framed on 28.02.2025, however, out of 17 PWs, only 7 have been examined, 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.

7. 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.

8. 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.

9. 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

12.03.2026

ashok

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