

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

229-1

**CRM-M-50801-2025 (O&M)
Decided on: 04.02.2026**

AMJAD ALI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Inderjeet Singh, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking grant of regular bail in case bearing FIR No.33 dated 05.03.2025 under Sections 20(b)(ii)(c) of NDPS Act, 1985 and Sections 27 and 29 of NDPS Act, 1985 added later on, registered at Police Station Partap Nagar, District Yamuna Nagar.

2. Brief facts of the case are that on the basis of secret information, on 05.03.2025, co-accused namely, Surinder Kumar @ Bhura was apprehended by the police alongwith *charas* weighing 1.210 kgs. Subsequently, the co-accused nominated the present petitioner on the basis of disclosure statement, alleging his involvement.

3. Learned counsel for the petitioner contended that the present petitioner has been nominated in the present case on the basis of disclosure statement of co-accused namely Surinder Kumar @ Bhura

from whose possession, the alleged contraband has been recovered, however no recovery has been effected from the present petitioner. It is further contended that co-accused namely Surinder Kumar @ Bhura nominated another co-accused namely, Liyakat Ali who has already been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 23.07.2025 passed in CRM-M-27028-2025 (Annexure P-2) and the case of the present petitioner is on the same footing. The petitioner is stated to have been in custody for more than a period of 09 months.

4. Notice of motion.

5. Mr. Ramender Singh Chauhan, AAG, Haryana, who is present in Court, accepted notice on behalf of respondent-State, and by way of filing of custody certificate dated 03.02.2026, opposed the concession of regular bail to the petitioner and submitted that in the present FIR, the quantity recovered by the co-accused falls under the category of commercial quantity. He, however, does not dispute the fact that the petitioner is in custody for a period of more than 09 months and 28 days.

6. Heard.

7. Keeping in view the facts and circumstances of the case and the fact that nothing has been recovered from the petitioner; the present petitioner is on same footing as that of co-accused-Liyakat Ali who was nominated by the co-accused namely Surinder Kumar @ Bhura from whose possession the alleged contraband has been recovered, has already been granted bail by this Court; present petitioner is in custody for the

last more than 09 months & 28 days; also there is no material which shows that after release of the petitioner, the petitioner will tamper with the evidence; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

8. 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 bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. Nothing observed herein shall be construed as an opinion on the merits of the main case.

(SUBHAS MEHLA)
JUDGE

04.02.2026

Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO