

2026:PHHC:031854



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-58117-2025

Date of decision: 26.02.2026

SAROJ

.... Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nitin Narula, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for the grant of regular bail to the petitioner in case FIR No.0159 dated 18.05.2025 registered under Section 21(b) of NDPS Act at Police Station Tosham, District Bhiwani.

2. The brief facts of the case are that Saroj (petitioner) came to be apprehended with 403 grams of Sulpha/charas.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Section 50 of the NDPS Act. The prosecution version is inherently unbelievable. As the petitioner is in custody since 18.05.2025 but only 03 out of the 16 prosecution witnesses have been examined so far, the Trial of

the present case is not likely to be concluded anytime soon and therefore, she is entitled to the concession of bail.

4. The learned counsel for the respondent-State, on the other hand, contends that in view of the fact that commercial quantity of contraband has been recovered from the petitioner, the bar under Section 37 of the NDPS Act would apply for the grant of bail as this Court would have to record a finding that the petitioner has not committed any offence nor is it likely to commit one in future. Therefore, the petitioner is not entitled to the concession as prayed for.

5. I have heard the learned counsel for the parties.

6. This is the 2nd bail petition on behalf of the petitioner. The detail of his earlier bail application is as under:-

Sr. No.	Bail Application	Date of Decision
1.	CRM-M-37867-2025	Dismissed as withdrawn on 23.07.2025

7. No change in circumstances whatsoever have been pointed out by the counsel for the petitioner after the 1st bail petition of the petitioner came to be argued and withdrawn on 23.07.2025 passed in CRM-M-37867-2025.

8. As per the case of the prosecution commercial quantity of contraband has been recovered from the petitioner. At this stage, this Court cannot record a finding that the petitioner has not committed an offence and is not likely to commit one in future. Therefore, as the conditions enumerated in Section 37 NDPS Act cannot be satisfied, the petitioner cannot be granted the concession of bail at this stage.

9. In view of the above, I find no merit in the present petition.
Therefore, the same stands dismissed.

10. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

11. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

26.02.2026
Jitesh Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No