



CRM-M-57106-2025

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

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CRM-M-57106-2025

Decided on :10.02.2026

Amit @ Mendak

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. R.K. Lathwal, Advocate for the petitioner.

Mr. Amish Sharma, Asst. A.G., Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.263 dated 18.06.2024, under Section 22(c) of NDPS Act (final report submit under Section 22(c) 29 of NDPS Act), registered at Police Station Purani Sabzi Mandi Rohtak, District Rohtak.

2. Case of the prosecution is that on 18.06.2024, petitioner was found in possession of 1200 bottles of WINCEREX (100 ml each). It is further alleged that the petitioner had delivered the said bottles/vials to another co-accused, Vinod, and was in the process of supplying them to a third co-accused, namely Parveen.

3. Learned counsel for the petitioner argues that the recovered quantity is 1200 ml, which is only 200 ml more than the maximum prescribed non-commercial quantity, i.e., 1000 ml; thus, the quantity recovered can be considered as marginally above the non-commercial quantity. Learned counsel for the petitioner further submits that

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petitioner is in judicial custody since 16.06.2024, i.e., for a period of more than one year and seven months, and only four prosecution witnesses out of a total of 26 have been examined till date. Since the pace of the trial is very slow, learned counsel prays for the grant of bail.

4. On the other hand, learned State counsel submits that the petitioner is a habitual offender, as he was earlier found involved in two other NDPS cases, namely:

- (i) FIR No. 162 dated 11.05.2023 under Section 22 of the NDPS Act, registered at Police Station Old Sabzi Mandi, Rohtak; and*
- (ii) FIR No. 372 dated 15.10.2018 under Sections 21 and 22(c) of the NDPS Act, registered at Police Station Old Sabzi Mandi, Rohtak.*

5. In response, learned counsel for the petitioner submits that till date, petitioner has never been convicted by any court of law and has rather been falsely implicated in multiple cases.

6. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto, including the status report.

7. Taking note of all the circumstances, particularly the fact that the trial is not proceeding at the required pace, as only 04 out of 26 prosecution witnesses have been examined, and that the petitioner is in custody for the last one year and seven months, and further considering the recovered quantity of WINCEREX syrup, which was later found to contain 'Codeine and Triprolidine', as well as noticing that the earlier NDPS cases against the petitioner pertain to the years 2018 and 2023 and

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that he may have allegedly been involved in the present case while on bail in the earlier matter, this Court finds merit in the petitioner's prayer. Accordingly, 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

9. It is specifically observed and ordered that in case the petitioner is again found involved in any other NDPS case, the concerned Public Prosecutor shall move an application for cancellation of bail in the present case. A copy of this order be sent to the concerned Trial Court for due compliance and necessary action.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

10.02.2026***Rashmi***

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