



CRM-M-58759-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-58759-2025
Decided on : 16.01.2026

BAICHAN MANDALPetitioner
Versus
STATE OF HARYANARespondent
CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Baichan Mandal, aged about 35 years	241	29.06.2025	20(c) and 29 of NDPS Act	Madhuban	Karnal

2. Learned counsel for the petitioner contends that, on the basis of alleged secret information, main accused, namely Gopal Kumar Yadav, was intercepted by the police while he was sitting on a plastic bag at a distance of about three killas towards Meerut from Bikaner Hotel, Karnal.

In accordance with the provisions of NDPS Act, a search was conducted, during which *ganja* weighing 21.700 kilograms was



allegedly recovered from the plastic bag on which the said accused was sitting. Subsequently, upon arrest of Gopal Kumar Yadav and registration of the FIR, names of Manoj Kumar and Baichan Mandal (present petitioner) surfaced, with allegations that the recovered contraband had been supplied by them to the main accused.

3. Learned counsel submits that petitioner's name does not find mention in the FIR, nor any recovery has been effected from him at the time of his arrest on 04.07.2025. It is further argued that petitioner, aged about 35 years, has no prior involvement in any case under the NDPS Act, except of certain other criminal cases under the Excise Act and one case under Section 302 IPC.

Apart from the disclosure statement of the co-accused, there is no independent or corroborative evidence collected during the course of investigation to substantiate the allegations against the petitioner or to establish his involvement beyond reasonable doubt.

4. Additionally, it is contended that the quantity allegedly recovered from the main accused exceeds the threshold of non-commercial quantity by a marginal difference of 1,700 grams. However, whether the process of weighing was carried out strictly in accordance with the prescribed norms, regulations, and rules is yet to be established by the prosecution during trial. Even a minor variation in weight may materially impact the nature of the offence, the applicability of statutory restrictions, and the eventual sentence, if any.

5. Moreover, petitioner is in custody since 04.07.2025, i.e., for approximately six months. Investigation *qua* the petitioner stands



concluded, *challan* has already been presented, and charges have been framed. However, trial has not progressed further, as none out of total 14 prosecution witnesses has been examined, till date. Consequently, trial is likely to take a considerable period to conclude. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

6. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 16.01.2026, in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 06 months and 11 days period inside jail.

7. Learned State counsel, while opposing the prayer and submissions advanced by learned counsel for the petitioner, submits that petitioner is a habitual offender and is involved in about four/five other criminal cases under the Excise Act and one under Indian Penal Code. However, learned State counsel fairly concedes that he is unable to cite any instance of the petitioner's involvement in any other case under the NDPS Act.

8. This Court has heard the submissions of learned counsel for the parties and perused the record available on file.

9. Considering the manner in which petitioner is implicated in the present case, it is apparent that the onus remains heavily on the prosecution to establish the charges against him, including conscious possession of the contraband allegedly recovered from the main accused.



CRM-M-58759-2025

4

10. In view of the totality of circumstances, nature of the allegations against the petitioner, and the factors discussed here above, this Court deems it appropriate to grant the concession of bail to the petitioner.

11. Consequently, prayer made in the 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. Any of the discussion done and recorded here above, 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.

14. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

15. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

16.01.2026
Lavisha

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