



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

**CRM-1360-2026 in/and
CRM-M-61331-2025
Date of Decision : 19.01.2026**

SIDHARATH @ KAKU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Eeshan Garg, Advocate
 for the petitioner.

SUBHAS MEHLA, J. (Oral)

CRM-1360-2026

Present application has been filed for pre-ponement of the Regular Bail, which stands adjourned to 16.02.2026.

Learned counsel for the petitioner contends that the present petition is not taken up for the last three dates due to heavy roster.

Keeping view of the reasons mentioned in the instant application, the same is allowed and the main case i.e.

CRM-M-61331-2025, which is taken on board today itself.

CRM-M-61331-2025

By way of the present petition, the petitioner is seeking regular bail in case FIR No.153 dated 09.04.2025 registered under Section 20(b) (ii)B of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bhiwani Sadar, District Bhiwani.

2. Learned counsel for the petitioner contended that the present petitioner has been implicated in the present case on the basis of secret information received by the police officials and one Kaku was intercepted in an auto-rikshaw with alleged contraband in a plastic bag containing 10 kg 844 gms of '*Ganja*' lying near the driver's seat of the said auto. Further argued that the alleged recovery is from the vehicle not from the conscious possession of the present petitioner and the recovery falls under non-commercial quantity. He is in custody since 09.04.2025, learned counsel further contended that investigation has been completed; charges have been framed; out of 27 witnesses, 5 witnesses have been examined; trial will take time to be concluded, thus, the petitioner deserves to be granted concession of regular bail.

3. Learned State counsel submits that the petitioner is behind bars since the last about 9 months and 4 days. He has opposed the prayer for grant of regular bail to the petitioner by submitting that the petitioner is a habitual offender as he is involved in 6 other cases of similar nature; and if the petitioner released on bail, he will tamper with prosecution evidence. Thus, learned State counsel prays for dismissal of regular bail petition of the petitioner.

4. Heard.

5. Keeping in view the facts and circumstances of the present case; nothing has been recovered from the conscious possession of the petitioner; the contraband is recovered from the auto-rikshaw driven by the petitioner i.e. 10.844 Kg of '*Ganja*', falls under non-commercial quantity' petitioner is in custody since 09.04.2025, trial will take sufficient time to be

concluded, out of 27 witnesses, 5 witnesses have been examined; as the remaining witnesses are police officials; there is no apprehension that if the petitioner releases on bail, he will tamper with the prosecution evidence; 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.

7. 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, subject to the condition that his presence can be secured during trial.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

19-01-2026
Sapna Goyal

(SUBHAS MEHLA)
JUDGE

NOTE: Whether speaking : YES/NO
Whether reportable: YES/NO