



CRM-M-61206-2025

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

CRM-M-61206-2025

Date of Decision: 12.03.2026

Riyaz @ Chota

..... Petitioner

Versus

The State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanpreet Sandhu, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.307 dated 27.08.2025, registered under Sections 21-B, 29 of NDPS Act, 1985, at Police Station Sadar Yamuna Nagar, District Yamuna Nagar

2. Succinctly, facts of the case are that on 27.08.2025, the police party while on patrolling received a secret information to the effect that Saheed Ali is involved in selling heroin. It was informed that Saheed Ali would be travelling from Uttar Pradesh to his village Bijoli via the Sahranpur-Ambala Highway in a white coloured Maruti Swift Dezire Car bearing No.HR-60-D-8219 for selling heroin and in case of barricading, he could be arrested alongwith the contraband. On receiving the information, barricading was laid. A car as disclosed in the secret information was seen coming and it was signalled to stop. However, on seeing the police, the driver of the car reversed the car, but the police party apprehended him. On asking, he disclosed his name to be Saheed Ali. On giving offer under Section 50 of the NDPS Act, search of Saheed Ali was conducted and a



transparent plastic bag containing brown colour powdery substance was recovered, lateron which was found to be heroin weighing 50 grams. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. During investigation, complicity of the petitioner was surfaced on the disclosure statement of Saheed Ali and he was arrested on 29.08.2025. The petitioner approached the Court of learned Judge, Special Court, Yamuna Nagar at Jadadhri praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 04.10.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that alleged recovery of 50 grams of heroin has been recovered from co-accused and the petitioner has been arrayed as an accused on his disclosure statement, which is not even an admissible evidence. He submits that even otherwise, alleged recovery effected from the co-accused is 50 grams of heroin, which is a non-commercial quantity and provisions of Section 37 of the NDPS Act are not attracted. He submits that though the petitioner is involved in two other cases, however, he is on bail in those cases. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted



the submissions made by counsel for the petitioner. It is submitted that during the investigation, complicity of the petitioner was surfaced as he was found to be the supplier of the contraband recovered from the co-accused. On instructions, he has submitted that out of total 20 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that as per the case of the prosecution, FIR in the present case was lodged on the basis of secret information. The petitioner has been arrayed as an accused on the basis of disclosure statement of co-accused from whom recovery of 50 grams of heroin was recovered, which is admittedly a non-commercial quantity. The custody certificate would show that the petitioner has suffered incarceration of 06 months & 13 days as on 11.03.2026. It further shows that the petitioner is involved in two other cases, however, in one case, he is on bail. No witness has been examined out of total 20 prosecution witnesses.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the

satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.03.2026

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No2