



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
122

CRM-M-66718-2025
Decided on : 07.04.2026

Hardeep . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sauhard S. Hooda, Advocate
for the petitioner(s).

Mr. Parveen Kumar Aggarwal, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

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
Hardeep	228	06.07.2024	15, 25 of NDPS Act, 1985	Murthal	Sonipat

2. In the present case, there is a recovery of 50.980 kg of doda post from an abandoned car bearing registration No. HR26-CC-4957.

3. Learned counsel for the petitioner submits that during the search of the said car, apart from the recovery of doda post, one Aadhar Enrolment/Correction/Update Form bearing Aadhar No. 3612 7106 6732 was recovered, which was in the name of the petitioner – Hardeep Singh. Besides, two FASTags—one issued by ICICI Bank and another by HDFC Bank—and one FASTag issued by IDFC First Bank were found affixed on the front windshield of the said car.

4. Learned counsel for the petitioner argues that petitioner is not connected with the said car. It is contended that merely on the basis of recovery of certain documents, it cannot be presumed that the petitioner was



in conscious and exclusive possession of the vehicle or the contraband recovered therefrom.

It is further argued that the recovered quantity is only marginally above the commercial quantity, i.e., 980 grams more than the prescribed limit. It is also contended that, in any eventuality, the possibility of variation in weight during the process of measurement cannot be ruled out, and even a slight variation may bring the case within the non-commercial category. It is further submitted that the trial Court is yet to determine whether the procedure of weighing was conducted in accordance with the prescribed norms. Thus, learned counsel prays for grant of concession of regular bail to the petitioner.

5. On the other hand, learned State counsel has filed the custody certificate dated 05.04.2026 in Court today, which is taken on record. The office is directed to tag the same at the appropriate place. A copy thereof has been supplied to learned counsel for the petitioner.

6. Learned State counsel, while opposing the prayer for bail, submits that although the car was found in an abandoned condition, however, recovery of documents belonging to the petitioner from the said vehicle indicates his involvement in the commission of the offence.

It is further submitted that petitioner has been previously convicted in another case under the NDPS Act, i.e., FIR No.26 dated 04.03.2015 under Sections 22/61/85 of the NDPS Act, registered at Police Station Kotwali Nabha, District Patiala, though he is stated to be on bail in the said case.

Thus, keeping in view the nature and gravity of the offence, learned State counsel submits that the petitioner does not deserve the concession of regular bail at this stage. However, it is fairly conceded that the petitioner is inside the jail since 11.08.2025, i.e., for a period of about 07 months and 25 days.

7. I have heard learned counsel for the parties and have perused the material available on record.

8. After hearing learned counsel for the parties and on perusal of the material available on record, this Court finds that the alleged recovery of



50.980 kg of doda post has been effected from an abandoned vehicle and petitioner was not apprehended at the spot. Implication of the petitioner is primarily based upon the recovery of certain documents from the said vehicle. At this stage, it cannot be conclusively presumed that the petitioner was in conscious and exclusive possession of the contraband, as the said aspect would require appreciation of evidence during the course of trial.

It is further noticeable that the quantity recovered is only marginally above the prescribed commercial quantity, i.e., 980 grams (recovered quantity 50.980 kg). It is also not disputed that the petitioner is inside the jail since 11.08.2025, i.e., for a period of about 07 months and 25 days.

Though the petitioner is stated to have been previously convicted in another case under the NDPS Act, however, in the facts and circumstances of the present case, same cannot be taken as an absolute bar for consideration of the present bail petition.

9. Considering the manner of recovery; nature of allegations; issue of conscious possession; marginal excess in quantity; and the period of incarceration already undergone, and also without expressing any opinion on the merits of the case, this Court is of the view that further detention of the petitioner inside the jail would not serve any useful purpose.

Accordingly, 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.

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

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. 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.

13. Petition stands **disposed of**.
 Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 07, 2026
J.Ram

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