



CRM-M-68030-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-68030-2025
Decided on : 27.02.2026

Tarif alias Taju

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTHPresent : Mr. Aazam Khan, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG Haryana

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking regular bail in FIR No. 27 dated 18.01.2024, under Sections 20-B (ii) C of NDPS Act, registered at Police Station Hodal, District Palwal.

2. Learned counsel for the petitioner submits that the alleged recovery in the present case is of 45.414 kilograms of ganja, which falls under the category of commercial quantity as defined under the NDPS Act. Counsel further submits that recovery was effected from a Swift car bearing registration number DL-4CAV-4463, which is registered in the name of petitioner.

Counsel submits that petitioner is in custody for a period of last one year and six months. Despite the framing of charges on 18.11.2024, only 03 prosecution witnesses have been examined till date, out of a total of 18 witnesses.



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Thereby reflecting an inordinate delay in the trial proceedings, which is causing unwarranted hardship to the petitioner. Thus, learned counsel prays for grant of regular bail.

3. Learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that the recovery in the present case is of 45.414 kilograms of ganja, which clearly falls under the category of commercial quantity under the NDPS Act. As per the prosecution case, petitioner was apprehended while travelling in a car in which various bundles containing Ganja were hidden inside the gas cylinder lying in the trunk of vehicle, which on measuring came out to be 45.414 Kilograms of ganja, therefore, prays for dismissal of the present petition.

4. Having heard learned counsel for the parties and perused the record, it is observed that the recovery in the present case involves 45.414 kilograms of ganja, a commercial quantity. Despite the charges being framed on 18.11.2024, only 03 prosecution witness have been examined, out of 18 listed witnesses till date, resulting in an undue delay in the trial. Petitioner is stated to be in custody for the period of last one year and six months, which is a considerable period. In the absence of any substantive evidence directly linking the petitioner to the offence, and considering the inordinate delay in the trial, the Court is of the view that the continued custodial detention of the petitioner is not warranted. While the allegations are serious, the right to a fair and timely trial also demands that the petitioner's liberty should not be unduly curtailed.

5. In view of the above, this Court is of the considered opinion that the petitioner deserves an opportunity for rehabilitation and reintegration into society.

Therefore, the present petition is allowed, and the petitioner is directed to be

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released on regular bail, subject to his furnishing personal and 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.

6. 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.

7. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

8. Petition stands disposed of.

9. Application(s), if any, shall also stand disposed of accordingly.

February 27, 2026*reena*

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

**(SANJAY VASHISTH)
JUDGE**