

2026:PHHC:033717



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-68134-2025

Date of decision: 05.03.2026

MOHAN CHAUDHARY

.... Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ayushman Sharma, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for the grant of regular bail to the petitioner in case FIR No.40/2025 dated 13.02.2025 registered under Section 20 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Sarai Khawaja, District Faridabad.

2. The brief facts of the case are that Mohan Chaudhary (petitioner) and Nagina Mehto were apprehended with 27 kg 260 gms. of Ganja. They disclosed that they had purchased the same from Bhola Miya @ Sahib Ali. He was arrested and disclosed that 15 kg of Ganja had been delivered to him by Rangila Chauhan and Sabina Khatoon. Both of them were arrested and they disclosed that 15 kg of Ganja had been received from Ghanshyam and 15 kg of Ganja was from one Vijay @ Dharmender. He was apprehended and disclosed that he had cultivated the same in the hills and disclosed the name of one Neta.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Section 50 of the NDPS Act. The prosecution version is inherently unbelievable. As the petitioner is in custody since 13.02.2025 but none of the 21 prosecution witnesses has been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the respondent-State, on the other hand, contends that in view of the fact that commercial quantity of contraband has been recovered from the petitioner, the bar under Section 37 of the NDPS Act would apply for the grant of bail as this Court would have to record a finding that the petitioner has not committed any offence nor is it likely to commit one in future. Therefore, the petitioner is not entitled to the concession as prayed for.

5. I have heard the learned counsel for the parties.

6. As per the case of the prosecution, commercial quantity of contraband has been recovered from the petitioner. At this stage, this Court cannot record a finding that the petitioner has not committed an offence and is not likely to commit one in future. Therefore, as the conditions enumerated in Section 37 NDPS Act cannot be satisfied, the petitioner cannot be granted the concession of bail at this stage.

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

8. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.
9. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

05.03.2026

Jitesh	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No