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

CRM-M-70009-2025

Date of decision : 23.02.2026

Harsh Sunder

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.346 dated 06.11.2025, under Sections 20 and 29 of NDPS Act, registered at Police Station Kheripul, Faridabad.
2. Succinctly, the facts of the present case are that the police party, while on patrolling on 06.11.2025, received a secret information to the effect that Vimal Kamat is involved in selling of Ganja. It was informed that today also he would come from Wazirpur side to Khedi Pul, for selling Ganja, if the barricading is laid, he could be arrested along with the contraband. On receiving the information, barricading was laid and a person was seen coming on foot. He was carrying a white coloured bag in his right hand. He was suspected to be carrying some contraband in the same thus, he was stopped. On asking, he disclosed his name to be Vimal Kamat. On conducting the search of the bag, 1.450 kgs of *ganja patti*, was recovered, however, he failed to produce any licence regarding possession of the same. Thus, he was arrested on spot. On registration of FIR, investigation commenced. Samples taken were sent to the FSL. During investigation, he made a disclosure about the complicity of the petitioner



who was alleged to be supplier of the contraband, thus, the petitioner was arrayed as an accused and he was arrested on 06.11.2025. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. The petitioner approached Learned Additional Sessions Judge, Faridabad praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 05.12.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused, Vimal Kamat, from whom the alleged recovery of 1.450 kgs of *ganja patti* was recovered. He submits that the disclosure statement is not even an admissible evidence. He submits that even otherwise the alleged recovery from the co-accused is non-commercial in nature and thus, provisions of Section 37 of NDPS Act, are not attracted in the present case. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Status report by way of affidavit of Mr. Varun Kumar, HPS, Assistant Commissioner of Police, Crime-II, Faridabad has been filed on behalf of respondent-State in the Court today, same is taken on record.

5. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that complicity of the petitioner was duly established during investigation being the supplier of the contraband. He submits that in all there are 04 accused, out of which, 02 accused are arrested and rest 02 accused are yet to be arrested. He, on instructions, has submitted that challan has been filed. He has placed on record the custody certificate of the petitioner.



6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case has been arrayed on the basis of disclosure statement of co-accused, namely, Vimal Kamat from whom the alleged recovery of 1.450 kgs of *ganja patti*, was effected. As per custody certificate, petitioner has suffered an incarceration of 03 months and 15 day as on 20.02.2026. It further reflects that the petitioner has no criminal antecedents.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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