

2026:PHHC:004836



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

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CRM-M-70498-2025
Date of Decision: 15.01.2026

SAWAN @ BAGRI

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Dinesh Maurya, Advocate
for the petitioner.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.261 dated 30.08.2025 under Section 21(b) of the NDPS Act, 1985 (Section 29 of NDPS Act, 1985 and Section 111(1) of BNS, 2023 added later on) registered at Police Station Bawani Khera, District Bhiwani.

2. The case of the prosecution is that out of total 39.48 grams of Heroin, 6.36 grams were recovered from the conscious possession of the petitioner. It is also alleged that a Swift Car was also recovered from the petitioner pursuant where to, he has been arrested in the present case.

3. Learned counsel for the petitioner contends that the quantity of the Heroin allegedly recovered from the petitioner is non-commercial, hence, the provisions of Section 37 of the NDPS Act would not be applicable qua the petitioner. He further submits that the petitioner is not involved in any other case under NDPS Act or any other criminal case. Moreover, the petitioner has already undergone a custody of 04 months and 14 days.

4. Notice of motion.

5. Mr. Vijay Kumar, AAG, Haryana accepts notice and vehemently opposes the petition for grant of bail on the ground that there is an active role of the petitioner in the commission of the offence in question. Hence, he prays for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner has already undergone a period of 04 months and 14 days.

6. I have heard the learned counsel for the parties and perused the record.

7. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last 04 months and 14 days, this Court is of the opinion that the petitioner deserves the concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

JANUARY 15, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No