



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

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**CRM-M No.73683 of 2025
Date of decision : 13.1.2026
Date of uploading : 14.1.2026**

Birma Ram alias Birbal**Petitioner**
Versus
State of Haryana**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kanisth Ganeriwala, Advocate, for the petitioner
Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.202 dated 8.8.2025 under Sections 18-C of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Siwani, District Bhiwani.
2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 2.240 kilograms "Afim" (opium) from a bag lying beneath the conductor's seat of Swift Dzire car bearing registration No.RJ-19TA-9264, when the petitioner and his co-accused were apprehended in it by the police.
3. Learned counsel for the petitioner has iterated that the petitioner



is in custody since 9.8.2025. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner was merely a taxi driver, who was taking passengers as a measure of his avocation and the said passengers were carrying the contraband in question. Learned counsel has iterated that the alleged contraband recovered is 2.240 kg. of “Afim”, which is non-commercial in nature. Learned counsel has further submitted that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.1.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 9.8.2025 whereinafter investigation was carried out and challan was presented on 3.10.2025. Total 20 prosecution witnesses have been cited, out of which, 01 has been examined till date. Indubitably, conclusion of the trial will take its own time. The contraband alleged to have been recovered from the petitioner is 2.240 kg. of “Afim”, which is non-commercial quantity. Hence, rigors of Section 37 of the NDPS Act would not apply in this case. The rival contentions raised at Bar give rise to debatable issues, which shall be



ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 12.1.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 5 months and 5 days & is not shown to be involved in any other case

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of



the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

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

(SUMEET GOEL)
JUDGE

13.1.2026
Ashwani

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