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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-73412-2025 (O&M)
Date of decision: 24.02.2026

Ajay ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Viransh Kumar Ghawari, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 301 dated 01.08.2024, registered under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ladwa, District Kurukshetra.
2. Brief facts of the case relevant for the disposal of the present petition are that on 01.08.2024, the petitioner along with co-accused Ravinder was apprehended by a police party and recovery of 01 kg. 10 grams of *Charas* was effected from them. Since they could not produce any valid license or permit to keep in their possession the recovered contraband, they were formally arrested at the spot. On interrogation, they disclosed that they had purchased the recovered contraband from co-accused Pale Khan, who was also nominated in this case. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with

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the co-accused is facing trial for commission of aforesaid mentioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has clean antecedents. The story put forth by the police party is concocted one. In fact, a false recovery was planted upon him and co-accused. The mandatory provisions of the NDPS Act were not complied with properly. Even otherwise, the quantity of the contraband allegedly recovered from the petitioner is marginally higher than the commercial quantity. Investigation has since been completed and challan has been presented before the Court. The trial is likely to take considerable time as no prosecution witness has been examined so far. The petitioner is in custody since 01.08.2024. Co-accused Pale Khan has already been granted concession of bail by this Court. No useful purpose would be served by keeping him in custody anymore. It is, thus, urged that the petition deserves to be allowed. Learned counsel for the petitioner has placed reliance upon the judgments cited as *Amritpal Singh vs. State of Punjab : 2022 (3) Law Herald 1996*, *Karandeep Singh @ Sunny vs. State of Punjab : 2021 (3) Law Herald 2230* and *Mandeep Singh alias Lakhari vs. State of Punjab : 2022 (1) Law Herald 74*, whereby the accused, from whom the contraband marginally above the commercial quantity was recovered, were granted concession of bail.

4. Status report and the custody certificate have been filed by the respondent-State. Learned State counsel has argued that the petitioner along with the co-accused was apprehended by the police party on 01.08.2024 and recovery of commercial quantity of contraband was effected from them. The rigors of Section 37 of the NDPS Act would be attracted against him. Trial is going on at a proper pace. It is, thus, argued that the petition is liable to be

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dismissed.

5. This Court has heard the rival submissions.
6. The petitioner is in custody since 01.08.2024. The quantity of the contraband recovered from him is marginally above than the commercial quantity. Though the allegations levelled against the petitioner make out a prima facie case against the petitioner for commission of subject offence, however, on a perusal of the record, it is apparent that there are no chances of conclusion of the trial in near future as no witness out of total 14 prosecution witnesses has been examined so far. Therefore, keeping in view the aforesaid facts as well as the ratio of law laid down in aforesaid authorities, this Court is of the considered opinion that the petitioner deserves to be granted benefit of regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.
7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

24.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No