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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-41367-2025

Date of Decision: 16.09.2025

MANISH

... PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Ravinder Malik, Advocate  
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

**SUBHAS MEHLA, J. (ORAL)**

1. The petitioner is seeking regular bail in FIR No.873 dated 14.12.2023, under Sections 18 and 29 of the NDPS Act, 1985 registered at Police Station Shahbad, District Kurukshetra.

2. Learned counsel for the petitioner contended that the petitioner is in custody since 14.12.2023. The co-accused Mohammad Nasir Alam has been granted bail by the Co-ordinate Bench of this Court vide order dated 28.02.2024 passed in CRM-M-9611-2024; except the present case, there is no other case pending against the petitioner. Learned counsel further submits that the recovery of 03 kg of contraband has not been recovered from the conscious possession of the present petitioner. Trial of the case is likely to take considerable time. The prolonged incarceration without trial violates the petitioner's Fundamental Right under Article 21 of the Constitution of India.



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The petitioner prayed for concession of regular bail and undertook to abide by all conditions imposed by this Hon'ble Court and assures that he will not tamper with evidence, influence witnesses, or abscond during trial.

3. Learned State counsel has filed the custody certificate, which is taken on record.

4. Learned State counsel, appearing on advance notice, vehemently opposed the prayer for grant of regular bail to the petitioner and submits that in case the petitioner is granted the concession of regular bail, he will misuse the same. Learned counsel submits that the petitioner has been apprehended with the co-accused Aslam and on search, contraband were recovered from the vehicles in which they were travelling at that time. The recovery falls under the ambit of commercial category. However, learned State counsel does not dispute the fact that no other case is pending against the petitioner. On asking of the Court, it is apprised that out of total 19 prosecution witnesses only 02 have been examined till date and the charges stand framed on 13.09.2024.

5. Heard.

6. In view of the submissions of learned counsel for the petitioner and the fact that the petitioner is in custody for last more than one and a half year; and out of total 19 prosecution witnesses only 02 have been examined till date and the charges were framed on 13.09.2024; there is no apprehension that after release petitioner will tamper with prosecution evidence; the trial would take sufficient time to conclude. There is no material on record that petitioner is involved in any other criminal activity. This Court deems it a fit case to grant the concession of regular bail to the

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petitioner. It is held by the Supreme Court in SLP-6690-2022 tilted as *Dheeraj Kumar Shukla vs. State of Uttar Pradesh*, that where the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody, the conditions of Section 37 of the Act can be dispensed with.

7. 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 bonds to the satisfaction of the trial Court.

8. However, it is made clear that in case the petitioner is found to be indulged in any such activity, the prosecution will be at liberty to move an application for cancellation of his bail.

16.09.2025

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**(SUBHAS MEHLA)**  
**JUDGE***Whether speaking/reasoned*      *Yes/No**Whether reportable*              *Yes/No*