



CRM-M-16645-2025

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

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**CRM-M-16645-2025
Decided on : 27.05.2025**

BIRENDER KUMAR ALIAS RAJU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. S.S. Pannu, Addl. AG, Haryana.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Birender Kumar @ Raju, aged about 25 years	256	30.07.2024	17(c), 61 of the NDPS Act	Ellenabad	Sirsa

2. The allegation against the petitioner is that 2.580 kilograms of opium was recovered from a polythene bag inside his backpack, which is only 80 grams above the maximum limit prescribed for non-commercial quantity. Accordingly, it is contended that the contraband cannot, at this stage, be definitively classified as a commercial quantity



and should instead be viewed as falling within the category of intermediate quantity.

It is further submitted that the procedure adopted for weighing the contraband was flawed and not in accordance with the prescribed norms and rules. As such, there remains uncertainty as to whether the recovered substance would ultimately fall under the intermediate or non-commercial quantity category, which can only be determined during the course of trial.

3. Learned counsel for the petitioner submits that petitioner has been in custody for approximately ten months, having been arrested on 30.07.2024.

4. Learned counsel further submits that petitioner is not found involved in any other case under the NDPS Act. Considering his young age, approximately 25 years, prolonged incarceration without any substantial progress in the trial may adversely impact his future prospects and career. It is also brought to the notice of the Court that another accused, namely Rakesh, was implicated in the case based solely on the disclosure statement made by the petitioner.

5. Additionally, counsel informs that although charges have been framed, process of recording of the statements of prosecution witnesses has not yet commenced. Out of the total 11 prosecution witnesses, none has been examined so far.

6. On the other hand, learned State counsel does not dispute the submissions addressed by counsel for the petitioner, today before this Court.



7. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, this Court deems it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

27.05.2025

Lavisha

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**