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

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**CRM-M-65521-2024 (O&M)
Date of decision: 29.07.2025**

Anil @ Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep Kotla, 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. 631 dated 19.09.2024, registered under Section 20 of the NDPS Act, 1985 at Police Station Chandni Bagh, Panipat.
2. Brief facts of the case relevant for the disposal of the present petition are that on 19.09.2024, on the basis of secret information, the petitioner along with co-accused Sant Lal @ Santa, while coming on a motorcycle bearing registration number HR-06-BA-2519, was apprehended by a police party and recovery of 02 kgs. 100 grams of Charas was effected from them. They were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence.
3. Learned counsel for the petitioner has argued that the petitioner has

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been falsely implicated in this case. Mandatory provisions of the NDPS Act were not complied with. In fact, the alleged recovery was planted upon him. His wife is not maintaining good health. The CCTV footage contained in the pen drive, which is on record, would show that the petitioner was not picked from the place as claimed by the prosecution. The petitioner is not involved in any other case. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 19.09.2024 barring period of his interim bail. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Custody certificate of the petitioner has been filed by the respondent-State. Learned Assistant Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party on 19.09.2024 along with aforesaid co-accused and recovery of 02 kgs. and 100 grams of *Charas* was effected from them. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. Although the petitioner has placed on record CCTV footages and some of its screenshots but the same cannot be given any relevance at this stage. As regards the

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arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

29.07.2025

Wassem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*