



Sr. No.217

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

**CRM-M-25626-2025 (O&M)
Date of decision: 26th May 2025**

ATUL PARIKH

.....Petitioner

versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in this present petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.141 dated 06.04.2025, under Sections 18, 21-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as '*the NDPS Act*'), registered at Police Station Nissing, District Karnal (Annexure P-1).

2. As per the prosecution case, on the basis of a secret information received by the Police, the present FIR was registered on 06.04.2025. The co-accused of the petitioner namely Sukhchain Singh was apprehended by the Police party and on search of the premises, 9 bottles of Tinchar weighing 8.72 ml. each (total weight 7 litres and 848 ml.), were recovered. The alleged contraband was taken into possession.

3. Learned counsel for the petitioner contends that the petitioner is a senior citizen of 67 years of age. He has been falsely implicated in this case on the basis of the disclosure statement of co-accused Sukhchain Singh.



The petitioner is behind bars since 10.04.2025. He further contends that the premises belong to co-accused/Sukhchain Singh and even the alleged recovery of contraband was effected from co-accused/Sukhchain Singh. The petitioner is not having history of any other criminal case registered against him. The conclusion of trial is likely to take time.

4. Learned State counsel has filed custody certificate dated 23.05.2025, reflecting his actual period of custody as 01 month and 14 days, which is taken on record. He opposes the prayer made by the petitioner on the ground that huge quantity of contraband has been recovered from the co-accused of the petitioner, which falls within the commercial quantity. However, he has confirmed that the petitioner is 67 years of age and no recovery has been effected from him. He further confirms that the petitioner is not involved in any other criminal case.

5. I have considered the aforesaid contentions and perused the relevant documents.

6. The Hon'ble Apex Court of India, in "*Nandlal Mondal @ Abhay Mondal vs. The State of West Bengal, SLP (Crl.) No.12788 of 2023*", considering the 18 months of custody of the accused and on account of protracted trial in NDPS case involving commercial quantity of contraband, released the accused on bail.

7. The petitioner, who is a senior citizen of 67 years of age, is behind the bars for the 01 month and 14 days. The recovery of contraband has been effected from the co-accused of the petitioner. No recovery has been effected from the petitioner.

8. Keeping in view the above facts and the age of the petitioner but without commenting upon the merits of the case, the present petition is



allowed. The petitioner is ordered to be released on regular bail during the pendency of the trial, on his furnishing bonds/surety bonds/two local sureties to the satisfaction of the trial Court/Duty Magistrate.

9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26th May 2025

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*