



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

**CRM-M-4494-2025**

Date of Decision: 21.03.2025

Atma Ram

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Kuldeep Singh Siwach, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

**Rajesh Bhardwaj, J. (ORAL)**

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.306 dated 23.12.2024 under Section 15(b) (Act No.61) of NDPS Act, 1985, registered at Police Station Sadar Ratia, District Fatehabad.

2. Succinctly, facts of the case are that on 23.12.2024 the Police party while on patrolling, saw a person carrying a plastic bag in his right hand. On seeking the police, he got perplexed and started walking fast so to escape from the police. However, he was stopped and on asking he disclosed his name as Atma Ram (petitioner). He was suspected to be carrying some contraband in the plastic bag being carried by him. He was given offer to be searched. On conducting the search of the plastic bag, contraband poppyhusk which was on weighing found to be 2.638 kgs. He failed to produce licence regarding possession of the same. Thus, the FIR was registered and he was arrested on the spot. Samples taken were sent to the FSL. On registration of the FIR, the investigation commenced and the Challan presented. The petitioner approached the Court of learned Special



Judge, Fast Track, under NDPS Act, Fatehabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 15.01.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the case has been planted upon the petitioner, wherein, he has been shown to be carrying poppyhusk in a plastic bag. It is submitted that the alleged recovery effected from the plastic bag was 2.638 kgs of poppyhusk. He submits that as per the schedule of NDPS Act, small quantity of poppyhusk is 1 kg, whereas, the alleged recovery effected from the petitioner is 2.638 kgs, which is marginally above the small quantity. He submits that the petitioner is behind bars since 23.12.2024. He, thus, submits that the petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that recovery was effected from the petitioner on due compliance of the statutory provisions of the NDPS Act. He submits that investigation is complete and challan is presented. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner is 2.638 kgs of poppyhusk. Challan already stands presented. The petitioner is behind bars since the date of his arrest. The custody certificate would reflect that he



has suffered incarceration of 02 months 26 days as on 19.03.2025. Though he is involved in one more case, however, he is on bail in the same.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing his bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

**21.03.2025**  
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Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No

**(RAJESH BHARDWAJ)**  
**JUDGE**