



CRM-M-33141-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

234

CRM-M-33141-2025  
Decided on : 16.07.2025

RAHUL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. R. Krishnaamorthi, Advocate, and  
Mr. Purushotam, Advocate, for the petitioner.

Mr. Ashok S. Chaudhry, 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
Rahul, aged about 24 years	0125	18.02.2024	18(b), 29 of NDPS Act and Sections 420, 467, 468, 471, 474, 201 of IPC	Camp	Palwal

2. It is *inter alia* contended by learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case and he is in custody since 18.02.2024. He contends that alleged recovery of 2.550 kg of opium was made from beneath the passenger seat on which



petitioner – Rahul, was sitting, which is marginally above the non-commercial quantity. He contends that petitioner is not having any criminal antecedents, and after completion of investigation, *challan* has already been presented in Court, wherein prosecution has cited 35 witnesses and till date, none has been examined.

Additionally, while claiming parity, counsel for the petitioner submits that co-accused of the petitioner namely Sonu has already been granted the concession of regular bail, by this Court, vide order dated 21.05.2025, passed in CRM-M-52440-2024, and same parameter can be applied *qua* the petitioner, also. Hence, prays for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel has assailed the arguments addressed by counsel for the petitioner, by submitting that police intercepted a car being driven by the co-accused, namely Sonu, along with petitioner seated on the passenger side. Both were apprehended at the spot. Upon conducting search of the vehicle, police recovered 2.580 kg of opium concealed beneath the driver's seat and an additional 2.550 kg of opium from beneath the passenger seat. He contends that recovery from the petitioner falls within the purview of Section 37 of the NDPS Act. Hence, prays for dismissal of the bail petition. However, on query, he has not disputed the fact that the recovery effected from the possession of the petitioner is only 2.550 kg of opium.

4. After considering the rival contentions and perusing the record, it is observed that as per the version of the prosecution, during patrolling, police intercepted the car and petitioner, who was sitting on



the passenger seat along with co-accused Rahul, who was driving the car, were arrested on 18.02.2024, and on search of the car, 2.580 kg of opium was recovered beneath the driver seat and 2.550 kg of opium was recovered beneath the passenger seat. Admittedly, recovery effected from the petitioner is 2.550 kg of opium, which is marginally higher than the non-commercial quantity. After completion of investigation, *challan* has already been presented in Court, wherein prosecution has cited 35 witnesses and till date, none of the witnesses have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time. Therefore, considering the slow pace with which the trial is proceeding, as well as the fact that the recovered contraband allegedly effected from the petitioner is marginally higher than the non-commercial quantity, this case is deemed fit where rigor of Section 37 of the NDPS Act could be diluted, as such, no purpose would be served by detaining the petitioner any longer in custody. Moreover, co-accused Sonu has also been released on bail by this Court, and same parameter can be applied *qua* petitioner in the present case, also.

5. In these circumstances, without commenting on the merits of the case, **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.

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



CRM-M-33141-2025

4

7. 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.

8. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

9. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

16.07.2025

Lavisha

Whether Speaking/Reasoned: ✓ YES/NO

Whether Reportable: ✓ YES/NO