

2025:PHHC:091677



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

CRM-M-23217-2025 (O&amp;M)

Reserved on : 22.07.2025

Pronounced on : 25.07.2025

**Mohd. Ayub****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Molly Tarunima Tagore, Advocate  
for the petitioner. (Through VC)

Mr. Neeraj Poswal, AAG, Haryana.

**MANISHA BATRA, J.**

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No. 871 dated 03.09.2024, registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Yamuna Nagar, District Yamuna Nagar. The previous petition, bearing number **CRM-M-61704-2024**, was dismissed as withdrawn on 07.02.2025.

2. Brief facts of the case relevant for the disposal of the present petition are that on 03.09.2024, on the basis of secret information, the petitioner was apprehended by a police party and recovery of 100.19 grams of heroin was effected from. Upon interrogation, the petitioner nominated one Noor as the supplier of the recovered contraband. The co-accused is still to be arrested. After completion of necessary investigation and usual formalities, *challan qua the*

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petitioner was presented before the Court and presently, he is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the alleged recovery was planted upon him. More so, the quantity of the recovered contraband does not fall under commercial quantity. The petitioner has clean antecedents and is not involved in any other case. Even otherwise, investigation stands completed and *challan* qua the petitioner has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 03.09.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Assistant General, Haryana has argued that keeping in view the gravity of the allegations, the petitioner is not entitled to get benefit of bail. 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. The petitioner is alleged to have been apprehended by the police party on 03.09.2024 while keeping in his possession 100.19 grams of heroin. The said quantity of the contraband obviously does not fall within the ambit of commercial one. The petitioner has clean antecedents and is not involved in any other case. *Challan* qua him has been filed. Conclusion of trial is likely to take time as out of 14 prosecution witnesses, only 04 witnesses have been examined so far. Keeping in view the aforesaid facts and circumstances, I am of the

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considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**25.07.2025***Wasim Ansari***(MANISHA BATRA)  
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*