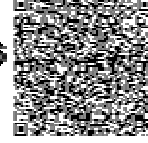


2025:PHHC:099006



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

260

**CRM-M-36498-2025 (O&M)
Date of decision: 04.08.2025**

Pawan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

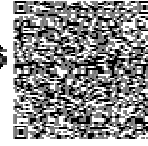
Present:- Mr. R. Krishnaamorthi, Advocate
for the petitioner.

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. 0168 dated 16.04.2024, registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 120-B of IPC at Police Station Chand Hut, District Palwal.
2. Brief facts of the case relevant for the disposal of the present petition are that on 16.04.2024, on the basis of secret information, the petitioner, while coming in a car bearing registration number UP-16-FT-4245 along with co-accused Satish @ Mintu, was apprehended by a police party and recovery of 148 kgs. 460 grams of Ganja was effected from six sacks which were kept in the said car. The petitioner and co-accused were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an application before the

2025:PHHC:099006



trial Court for grant of regular bail but the same had been dismissed, vide order dated 23.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is nothing on record to connect the petitioner with the alleged recovery. Mandatory provisions of Sections 42 and 50 of the NDPS Act were not complied with. Even no independent witness was joined at the time of effecting alleged recovery. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 16.04.2024. The petitioner is a student. 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. Custody certificate of the petitioner has been filed. Learned Assistant Advocate 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. As per the allegations, the petitioner along with co-accused was apprehended by the police party on 16.04.2024, while they were coming in the aforementioned car. Recovery of 148 kgs. 460 grams of Ganja was effected from the said car. The said quantity of the contraband obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the

2025:PHHC:099006



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 trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. 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.

04.08.2025*Wasim Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*