



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-28552-2025 (O&M)

MOHIT

.....Petitioner

Versus

UNION TERRITORY OF CHANDIGARH

.....Respondent

CRM-M-28594-2025 (O&M)

RAJAT

.....Petitioner

Versus

UNION TERRITORY OF CHANDIGARH

.....Respondent

Decided on : 21.08.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner(s) (in CRM-M-28552-2025), and
Mr. Vivek Kathuria, Advocate,
for the petitioner(s) (in CRM-M-28594-2025).

Mr. Manish Bansal, PP, UT, Chandigarh.

SANJAY VASHISTH, J.

1. Present petitions have been filed by the petitioners, seeking grant of regular bail in case bearing FIR No.0002, dated 05.01.2025, under Section(s) 21 of the NDPS Act, registered at Police Station ANTF Sector 11, Chandigarh.

2. Counsel for the petitioners submit that no contraband has been recovered from the petitioners, namely Mohit and Rajat. The sole allegation against Mohit is that he managed drug money of the co-



accused namely Vijay Kumar, from whom 6.05 grams of cocaine, classified as non-commercial quantity, was recovered. It is pertinent to note that Vijay Kumar has already been granted regular bail by this Court, vide order dated 27.05.2025 in CRM-M-28308-2025.

As for the petitioner Rajat is concerned, the allegation is that he supplied drugs after arranging them from Vijay Kumar. However, no specific quantity of drugs has ever been determined or ascertained to substantiate the allegations against the petitioners.

It is further submitted that investigation in the present case has already been completed, and *challan* has also been presented before the competent Court.

3. Petitioner namely Mohit is in custody since 15.03.2025, and petitioner namely Rajat is in custody since 16.03.2025. Moreover, the co-accused, namely Rohit, has already been granted the concession of regular bail, vide order dated 02.05.2025 passed in CRM-M-12715-2025, from whom a recovery of 10.30 grams of cocaine was effected. Thus, counsel prays for grant of regular bail to the petitioners in the present case.

4. On the other hand, in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificates dated 21.08.2025 and status reports dated 20.08.2025 (in both the cases) in Court today, which are taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioners.



As per the custody certificates, in the present case, petitioners, namely Mohit and Rajat, had already undergone a period of 5 months and 07 days; and 05 months and 06 days, respectively, inside jail.

5. Learned State counsel, while opposing the prayer for bail, submits that allegations against the petitioners are serious in nature, pertaining to the possession of narcotic substance, which constitutes a punishable offence under the NDPS Act. It is further argued that granting bail to the petitioners at this stage may undermine the objective of deterrence and could potentially send an incorrect message to society. However, it is not disputed that no recovery of contraband has been made from either of the petitioners. The only recovery effected is of 6.05 grams of cocaine, which is of non-commercial quantity, from the main accused Vijay Kumar. It is also not in dispute that investigation has been completed and the *challan* has already been filed.

6. After hearing learned counsel for the parties and perusing the material available on record, this Court is of the considered view that petitioners are entitled to the concession of regular bail. Recovery of 6.05 grams of cocaine effected from the co-accused Vijay Kumar falls within the category of non-commercial quantity, as defined under the NDPS Act. Significantly, no recovery of any contraband has been effected from either of the petitioners in the present case. The investigation stands concluded, and the *challan* has already been filed before the competent Court. Furthermore, petitioners namely Mohit and Rajat, are in custody since 15.03.2025 and 16.03.2025, respectively, and co-accused, from



whom the alleged recovery was made, have already been granted the concession of regular bail.

This Court is also of the view that the petitioners deserve a fair opportunity to rehabilitate and reintegrate into society. Without commenting on the quality or sufficiency of the evidence collected by the prosecution, and keeping in view that the investigation stands concluded, the challan has been presented, but the trial is yet to commence in any meaningful way with no material witnesses examined so far, the Court is of the considered opinion that the petitioners' personal liberty cannot be curtailed for an indefinite period.

7. Considering the aspects and circumstances, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their 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.

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

9. 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.



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

11. Petitions stand disposed of.

12. Pending miscellaneous application(s), if any, stand disposed of.

13. A photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

21.08.2025
Lavisha

Whether Speaking/Reasoned: ✓YES/NO
Whether Reportable: ✓YES/NO