



CRM-M-10650-2025

1

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

228

**CRM-M-10650-2025  
Decided on :23.07.2025**

Raju Saggar

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Karajveer Singh, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

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**SANJAY VASHISTH, J. (Oral)**

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.141 dated 30.07.2021, under Sections 15/22/61/85 of NDPS Act, registered at Police Station Sahnewal, District Ludhiana, Punjab.

2. The allegation against the petitioner is that on 30.07.2021, the police received secret information that Rajinder Singh @ Baz and Raju Saggar (**petitioner herein**) were involved in the business of selling poppy husk, and that on the said day, they were transporting a large quantity of poppy husk in a truck bearing registration number HR37-B-3456 towards Ludhiana for supply. It was informed that if a naka (checkpoint) was set up, they could be apprehended along with the contraband.



Acting on the information, a naka was established, and upon the arrival of the aforementioned truck, it was intercepted. During inquiry, the person driving the truck identified himself as Rajinder Singh @ Baz, and the individual sitting on the passenger (conductor's) seat disclosed his name as Raju Saggar (present petitioner). Upon conducting a search of the truck, 11 bags containing a total of 3 quintals and 15 kilograms of poppy husk were recovered.

Subsequent to registration of the case, during investigation, one Bhushan Kumar produced the registration certificate (RC) of the truck and also submitted a photocopy of an affidavit, stating that on 07.07.2021, the said truck had been given on rent to Rajinder Singh @ Baz for a period of one year at a monthly rental of ₹35,000/-.

3. Learned counsel for the petitioner contends that after completion of the investigation, challan was filed on 29.10.2021, and charges were framed on 02.12.2021. Out of total 16 prosecution witnesses only 08 have been examined till date. Petitioner is in custody for a period of more than three years. Counsel argues that, based on the prosecution's case, it prima facie appears that if any offence was committed, it was by Rajinder Singh @ Baz, who had rented out the truck. Petitioner was merely found sitting on the passenger seat, and it is yet to be established whether he had conscious possession of the recovered contraband or prior knowledge of it.

It is further submitted that main accused, Rajinder Singh @ Baz, has already been granted bail by this Hon'ble Court vide order dated 24.08.2023 passed in CRM-M-22608-2023. It is fairly argued by counsel



for the petitioner that one of the principal grounds for granting bail to the main accused was the slow pace of trial, as by that time only 01 out of 16 prosecution witnesses had been examined. Though petitioner was not before the Court at that stage, same circumstances cannot be applied to him as well. Given the total incarceration of more than three years, petitioner prays that he be extended the same benefit of regular bail as granted to the co-accused Rajinder Singh @ Baz nearly one year and eleven months ago.

4. On the other hand, while producing the custody certificate of the petitioner, learned State counsel submits that petitioner is involved in five other cases of similar nature, the details of which are as follows:

***i) FIR No. 291 dated 17.08.2003, under Section 15 of the NDPS Act, registered at Police Station Hoshiarpur – the petitioner is on bail after having undergone a sentence of one month and two days.***

***ii) FIR No. 243 dated 14.12.2020, under Sections 21/61/85 of the NDPS Act, registered at Police Station Mahilpur – petitioner has undergone the sentence period.***

***iii) FIR No. 18 dated 23.01.2019, under Section 15 of the NDPS Act, registered at Police Station City Hoshiarpur – petitioner has undergone the sentence period.***

***iv) FIR No. 160 dated 18.09.2017, under Sections 15/61/85 of the NDPS Act, registered at Police Station Model Town Hoshiarpur – the petitioner has undergone the sentence period.***

***v) FIR No. 179 dated 06.10.2019, under Section 15 of the NDPS Act, registered at Police Station City Hoshiarpur – the petitioner is currently on bail.***



It is further clarified by the learned State Counsel that in all the above cases, where the petitioner was convicted and sentenced, the contraband recovered was poppy husk.

Faced with this situation, counsel for the petitioner responds that as per the custody certificate, apart from the present case, there is only one other pending case under the provisions of NDPS Act, the final adjudication of which is yet to be concluded.

5. Having considered the rival submissions and upon perusal of the record, this Court takes note of the totality of facts and circumstances — including the fact that conscious possession of the contraband is yet to be established, the main accused has already been granted the concession of bail, and out of 16 prosecution witnesses only 08 have been examined till date. In view of the slow pace of the trial, it is evident that proceedings are likely to take considerable time. Therefore, petitioner's right to personal liberty cannot be curtailed indefinitely.

6. Consequently, prayer made in the 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.

7. Any of the discussion done and recorded hereabove, 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.



**CRM-M-10650-2025**

**5**

8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

9. Petition stands disposed of.

**(SANJAY VASHISTH)  
JUDGE**

**23.07.2025**

*Rashmi*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: Yes/No*