



CRM-M-35309 of 2025

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

218

CRM-M-35309 of 2025
Date of decision: 14.07.2025

VIKAS

...PETITIONER

V/s

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOELPresent: Mr. Rakesh Kumar Lathwal, Advocate,
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.124 dated 29.04.2025 registered for the offences punishable under Sections 20 (b) (ii) B of Narcotic Drugs & Psychotropic Substances Act, 1985 registered at Police Station Sector-27, District Sonipat.

2. The case set up in the FIR in question is as follows:-

“To, SHO Sir, Police Station Sector-27, Sonipat. Jai Hind, Today, I ASI along with Ct. Ajay 329/SPT, Ct. Naveen No. 2255/SPT, Ct. Dinesh 2732/SPT, Ct. Mohit No. 2011/SPT were present in Government vehicle, registration No. HR10GV-1004 whose driver name was EHC Sumit 2059/SPT for patrolling duty of detection of crime at Rewali minor bridge, Sonipat-Murthal, road. That one secret informer came and informed that Vikas son of Vinod, resident of Budh Vihar, Sonipat who indulges in the business of selling Ganja. He is standing in front of his house located at Budh Vihar and carrying Ganja in white color plastics beg and he wear blue color pent and light pink color T-shirt with full sleeves. If raid is conducted immediately he can be apprehended along with Ganja. That the information was reliable, therefore a DD is



separately prepared and send through Ct. Mohit 2011/SPT for registration in Police Station. I, ASI shared the secret information with the other associate officials and thereafter I, reached at the place disclosed by the secret informer. Where I found one person whose description is similar as disclosed by the secret informer and he carrying white color polythene in his right hand. That he apprehended with the help of associate officials and upon inquiry he disclosed his name Vikas son of Vinod, resident of Jainpur at present at tenant at Budhvihar, Sonipat. The passerby requested to join the proceeding but all left from the spot by showing there reasonable compulsion. That as I, ASI doubt that Vikas son of Vinod, resident of Jainpur at present tenant at Budh Vihar, Sonipat carrying narcotics substances in his right hand, therefore a notice Section 50 NDPS act prepared and I disclosed his legal right that I have information that you are carrying narcotics substances which is prohibited in NDPS act therefore your search is necessary. You have legal right that you may carry your search either before the Gazetted officer or Magistrate Kindly give your consent. That therefore the above mention Vikas read and understand the content of the notice and give his written consent to conduct the search before the Gazetted officer. The above mention Vikas and witness appended his signature on the notice. I, ASI time at about 08:05 pm made a cal from my mobile No. 9050323334 to Gazetted officer Sh. Shiv Kumar ETO, Excise and Taxation officer (sales Tax), Sonipat on his mobile No. 9729719641 and shared the information and requested to came at the spot. Time at about 08:30 pm, the Gazetted officer Sh. Shiv Kumar, Excise and Taxation officer (sales Tax), Sonipat came at the spot in Government vehicle along with his staff and the status of the case is shared with him. That the Gazetted officer conduct my search and search memo were prepared and witness and above mention Vikas appended signature on it and He gave instruction to conduct the search of white color polythene beg which he carrying in high right hand. That I, ASI as per the instruction give by the Gazetted officer conduct the search of white color polythene beg which Vikas above mention carrying in his right hand. I opened and Check the white color polythene beg which the above mention Vikas carrying in his right hand and Ganja were found in a transparent polythene inside the white color polythene beg. I weighted the Ganja along with the plastics polythene beg and it weight were found 1 Kg, 290 gram. That license and permit were asked to the above mention Vikas but he failed to produce it. That the recovered Ganja along with polythene beg wrapped in white color cloth parcel and sealed with the seal of VK.

That the sample seal were prepared and seal after used handover to the Ct. Dinesh No. 2732/Sonipat and the arrival officer put his seal Mark NK 1/1 on the parcel and sample seal and attested the parcel and sample seal. The recovered Ganja weight 1 Kg, 290 Gram parcel taken into possession through separate recovery memo as evidence. That the above mention Vikas and witness appended his signature on the recovery memo and the arrival officer attested the recovery memo. That the above mention Vikas found in possession of 1 Kg, 290 Gram Ganja and thus committed the offence 20 (B) (ii) (b) NDPS Act, therefore a tehrir is sending in police station through Ct. Dinesh No. 2735/SPT in Police Station. That the FIR number be informed separately. The special report of the case be sent to the higher officer. I, ASI is the complainant in present case therefore another investigation officer be send at the spot for further investigation. I, ASI present at the spot for investigation.



Today, Budh Vihar, Sonipat, Near Rawali minor bridge, SD/ ASI, Vineet No. 1739/SPT, Crime Unit, Sector 3, SPT, Dated 29.04.2025 at 09:30 pm.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.04.2025. Learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further argued that the no recovery, much less as alleged by the prosecution, was ever effected by the prosecution. Learned counsel for the petitioner further submitted that the prosecution version suffers from inherent defect as Section 42 of the NDPS Act has not been complied with. Learned counsel for the petitioner further submitted that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.04.2025 whereinafter investigation was carried out & challan was presented on 31.05.2025. Total 13 prosecution witnesses have been cited and conclusion of the trial will take its own time. The rival contention of learned counsel for the parties; this Court does not deem it appropriate to delve deep into these rival contentions, at this stage. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of



justice or interfering with the prosecution evidence. As per the custody certificate dated 13.07.2025 filed by the learned State counsel, petitioner has suffered incarceration for about two months and fifteen days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.



8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed of.

(SUMEET GOEL)
JUDGE

14.07.2025

jatin/sumit

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No