



CRM-M-28308-2025(O&M)

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

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CRM-M-28308-2025(O&M)

Decided on :27.05.2025

Vijay Kumar

. . . Petitioner(s)

Versus

Union Territory Chandigarh

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vivek Kathuria, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T. Chandigarh.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.02 dated 05.01.2025, under Section 21 of NDPS Act, (Sections 22 and 29 of NDPS Act and Section 111 of BNS, 2023 were added later on), registered at Police Station ANTF, Chandigarh.

2. Learned counsel for the petitioner submits that the alleged recovery in the present case is 6.05 grams of cocaine, which is non-commercial in nature, and is shown to have been effected from the petitioner. It is further submitted that the investigation has already been completed and the challan has been presented before the competent Court.

It is also submitted that the petitioner has been in custody since 15.03.2025. Moreover, the co-accused, namely Rohit, has already been granted the concession of regular bail vide order dated 02.05.2025



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passed in CRM-M-12715-2025, from whom a recovery of 10.30 grams of cocaine was effected. In comparison, the recovery attributed to the present petitioner is 6.05 grams, which clearly falls under the category of non-commercial quantity as defined under the provisions of the NDPS Act. Thus , prays for grant of regular bail to the petitioner.

3. On the other hand, learned State counsel while opposing the prayer of the petitioner submits that the allegations against the petitioner are serious in nature and relate to the possession of a narcotic substance, which is a punishable offence under the NDPS Act. It is submitted that although the quantity recovered falls under the non-commercial category, the offence still poses a threat to public health and safety. Learned State counsel further submits that granting bail at this stage may hamper the objectives of deterrence and could send a wrong signal. However, it is not disputed that the recovery effected from the petitioner is 6.05 grams of cocaine, which is non-commercial in nature, and that the investigation has been completed and the challan has been filed.

4. After hearing learned counsel for the parties and perusing the material available on record, this Court is of the view that the petitioner is entitled to the concession of regular bail. The recovery of 6.05 grams of cocaine from the petitioner falls under the category of non-commercial quantity as defined under the NDPS Act. The investigation in the case stands concluded and the challan has already been filed before the competent Court. Also the fact that petitioner is in custody since



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15.03.2025 and co-accused, from whom a larger quantity was allegedly recovered, has already been granted the concession of regular bail.

This Court is also of the view that the petitioner deserves 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 petitioner's personal liberty cannot be curtailed for an indefinite period.

5. Considering the aspects and circumstances, 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.

6. 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.

7. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

8. Petition stands disposed of.



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9. Pending application(s), if any, shall stands disposed of accordingly.

**(SANJAY VASHISTH)
JUDGE**

27.05.2025

Rashmi

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No