



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

230

CRM-M-3676-2025
Date of decision: 01.05.2025

Manoj KumarPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Mohunta, Advocate,
Mr. Nishant Arora, Advocate and
Mr. Pratyush, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

1. Petitioner, in this (3rd petition) is seeking the concession of bail under Section 483 of the BNSS, 2023 in case FIR No.185 dated 10.04.2024, under Sections 20, 29-A, 61 and 85 of NDPS Act, registered at Police Station Sadar Thanesar, District Kurukshetra.
2. Learned counsel for the petitioner contends that the petitioner has no criminal antecedents and he has been falsely implicated in the case in hand by the complainant while he along with co-accused were going on a motorcycle. It has been argued that recovery of 1100 gms of charas was planted upon the petitioner after they were intercepted by the police. Learned counsel submits that the recovered contraband is marginally higher than the minimum classified as commercial under the Act. It is further still submitted that even though charges were framed on 10.10.2024, however, in



the preceeding of almost six months, none of the prosecution witnesses have been examined, therefore, possibility of the trial concluding in near future did not arise.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has it been disputed on instructions that after the charges were framed, the prosecution evidence has not yet commenced. However, it has been argued that a secret information was received qua the involvement of the petitioner and the co-accused and it was pursuant thereto that the petitioner was intercepted leading to the aforesaid recovery. It has also been submitted that the petitioner was the pillion rider and the contraband had been packed in a bag which had been placed in-between the rider and the petitioner on the motorcycle.

4. On a pointed query, learned counsel for the State, on instructions, has not been able to controvert that the petitioner has no previous criminal antecedents much less ever being involved in case under the NDPS Act.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 10.04.2024 and trial is unlikely to conclude in the near future as the case is being adjourned repeatedly before the trial Court after the charges were framed.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to



bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

01.05.2025

mamta

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No