

2025:PHHC:107194



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

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CRM M-43294 of 2025 (O&M)

Date of Decision: 18.08.2025

Sachin @ Shishan

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sarun Hans, Advocate, for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.268 dated 07.09.2022 registered under Section 20(c) of NDPS Act at Police Station Sadar Ratia, District Fatehabad.

2. The brief facts of the prosecution case are that on 07.09.2022, a police party headed by ASI Richhpal Singh received secret information that co-accused Suraj Bhan and his accomplices namely Suresh Kumar (co-accused) and Sachin @ Shishan (petitioner) had brought huge quantity of Ganja in truck Eicher No.PB-03BC-3939 and are present at Anaj Mandi near School Dhani Lamba, to load Ganja in car XUV No.HR-16L-8640 and if immediate

raid is conducted, co-accused Suresh and petitioner Sachin can be apprehended while loading Ganja from abovesaid truck into abovesaid car and huge quantity of Ganja can be recovered from them. Considering said information reliable, proceedings u/s 42 of NDPS Act were conducted and police party reached near School Dhani Lamba and found one truck container and one car parked there and one boy was seen alighting from said truck. ASI Richhpal apprehended said person, who on inquiry disclosed his name as Sachin @ Shishan (petitioner) and HC Raghuvir Singh apprehended another person who was inside truck container, who on inquiry disclosed his name as Suresh Kumar (co-accused). On checking, six plastic bags were found in truck and two plastic bags were found on rear seat of car. After conducting further legal proceedings, Duty Officer Rajender Kumar, Assistant Professor, Govt. Women College, Ratia was called at the spot and in his presence, said plastic bags were checked and 27 kilograms of Ganja was found in each seven plastic bags and 21 kilograms of Ganga were found in eighth plastic bag i.e. total quantity of 2 quintals 10 kilograms of Ganja was recovered from said eight plastic bags from abovesaid truck and car. On inquiry, co-accused Suresh Kumar and petitioner Sachin @ Shishan disclosed that they alongwith Suraj Bhan etc. have equal share in recovered Ganja. On this, present case under Section 20(c) of NDPS Act was registered.

3. Learned counsel for the petitioner has relied upon the law laid down by the Hon'ble Supreme Court in the matter of SLP No. 6690 of 2022, titled as **“Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”**, in which the Hon'ble Supreme Court held as follows:-

“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured ' Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.

4. For the reasons stated above but without expressing any views on the merits of the case, the

petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court.”

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the quantity of contraband recovered from the petitioner is commercial in nature and the rigors of Section 37 of NDPS Act would apply to the facts of the present case. However, learned State counsel admits that there is no other criminal case registered against him.

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

6. In the present case, the petitioner was arrested on 07.09.2022 and is in custody for the last about 02 years and 09 months. There is no other criminal case against him.

7. Consequently, keeping in view the above stated facts and the law laid down by the Hon'ble Supreme Court in the matter of **Dheeraj Kumar Shukla's case (Supra)**, the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

18.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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