

**CRM-M-22927-2025 & CRM-M-23755-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.285(2 cases)****Case No. : CRM-M-22927-2025****Decided On : May 12, 2025**

Sanjeev Yadav @ Sanju Gupta Petitioner

vs.

State of Haryana Respondent

Case No. : CRM-M-23755-2025**Decided On : May 12, 2025**

Swatantar Yadav @ Jeetu Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Inderpreet Singh Kooner, Advocate
for the petitioner(s).

Mr. R. K. Singla, DAG, Haryana.

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SUKHVINDER KAUR, J. :

Vide this common judgment, two aforesaid petitions i.e. **CRM-M-22927-2025** and **CRM-M-23755-2025** shall be decided as facts and circumstances involved in both these petitions are the same and both petitions relate to the same FIR.

Prayer in both these petitions filed under Section 483 of the BNSS, 2023 is for grant of regular bail to the petitioner(s) in case FIR No.32 dated 12.02.2025, under Section 18 of the Narcotic Drugs and Psychotropic

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Substances Act, 1985 (hereinafter referred to as – NDPS Act) (Section 29 of NDPS Act added later on), registered at Police Station Faridabad Kotwali, District Faridabad.

Shorn of unnecessary details, case of the prosecution is that on the basis of secret information, main accused namely Ajit was apprehended and he was found in possession of opium weighing 83.70 grams. During investigation, on the basis of disclosure statement made by him, names of present two petitioners i.e. Sanjeev Yadav @ Sanju Gupta and Swatantar Yadav @ Jeetu cropped up and they were arrested.

Learned counsel for petitioner Sanjeev Yadav @ Sanju Gupta has contended that no recovery has been effected from the petitioner. He was nominated as accused later on, only on the basis of disclosure statement of co-accused, which is not permissible in law. He further contends that the petitioner is in custody since 02 months and 28 days and no other criminal case is pending against him. So, he be granted concession of regular bail.

Learned counsel for petitioner Swatantar Yadav @ Jeetu has contended that the petitioner has been nominated as accused in this case only on the basis of disclosure statement of co-accused and no recovery has been effected from him. He further contends that the petitioner is in custody since 24 days and he is not having the criminal antecedents. Therefore, lenient view be taken and he be released on bail.

Notice of motion in both the cases was issued and respondent-State was directed to file Status Report, which has been filed and taken on record along Custody Certificates of both the petitioners.

Learned State counsel, while referring to the Status Report, has



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opposed both the bail petition(s) while contending that both the petitioners have been specifically named by the co-accused as being involved in the offence in the present case. However, he has not disputed the custody period of both the petitioners.

I have heard the learned counsel for the parties and have also gone through the case file(s).

The recovery in the present case has been effected from the co-accused namely Ajit. He was allegedly found in possession of opium weighing 83.70 grams, which is less than the commercial quantity. Both the petitioners are not having any criminal antecedents. Presentation of *Challan* and trial of the case is likely to take time. No useful purpose would be served by further detaining the petitioners behind the bars. So, both the petitions i.e. CRM-M-22927-2025 and CRM-M-23755-2025 are allowed and both the petitioners are ordered to be admitted on regular bail, on their furnishing adequate bail bonds and surety bonds, to the satisfaction of concerned learned Trial Judge/Chief Judicial Magistrate/Duty Magistrate.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition(s).

A photocopy of this judgment be placed on the file of other connected matter.

May 12, 2025
monika

(SUKHVINDER KAUR)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>

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