



CRM-M-50337-2025

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

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**CRM-M-50337-2025
Decided on : 15.09.2025**

AZUBUIKE INNOCENT

... PETITIONER

VS.

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ravi Malik, Advocate for the petitioner.
Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Azubuik Innocent	391	08.10.2024	21(b) of NDPS Act	DLF, Sector 29	Gurugram

2. Recovery in the present case is of 19.25 grams of 'Cocaine' (Commercial quantity of Cocaine is 100 grams).



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Learned counsel for the petitioner contends that the recovered contraband is much less to commercial quantity. Further, states that petitioner is in custody since 11 months and is not alleged to be involved in any other similar offence punishable under the provisions of the NDPS Act. It is also pointed out that out of a total of 14 witnesses, none has been examined. Besides, petitioner is 33 years old, with his entire career ahead of him. Therefore, learned counsel submits that the conclusion of the trial is likely to take considerable amount of time, and accordingly, prays for grant of concession of regular bail to the petitioner.

3. On the other hand, while vehemently opposing the prayer of bail, learned State counsel submits that keeping in view the nature of offence, he does not deserve concession of bail. However, learned State counsel though does not dispute the factual position, as explained by the petitioner's counsel here-above.

4. I have heard learned counsel for the parties and perused the relevant material available on record.

5. While considering the plea of bail, this Court is conscious of the fact of recovery of narcotic contraband from the petitioner. However, this Court also cannot overlook other factual aspects, such as; the young age of the petitioner, his first-time involvement in a case under the NDPS Act, the total period of incarceration already undergone, as well as the potential risk of his coming into contact with hardened criminals in the eventuality of



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prolonged detention. Therefore, this Court deems it appropriate to consider the plea of bail of the petitioner.

Consequently, 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. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

8. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

9. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

September 15, 2025
Poonam Sharma