



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

CRM-M-37058-2024

Date of decision:-20.03.2025

RAVI KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. Parveen Bhadu, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
34	05.03.2023	20(b)(ii)(c) of NDPS Act	Bond Kalan, District Charkhi Dadri

2. Arguments heard.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and no recovery of contraband has been effected from him, but the same has been effected from the co-accused on his personal search from the black bag carried by him and the police has wrongly interpreted the same as from the conscious possession of the petitioner, which is manifestly wrong. He



contends that the petitioner is in custody since 05.03.2023, and after completion of investigation, challan has already been presented in Court, wherein the prosecution has cited 16 witnesses and out of which only 8 witnesses have been examined till date, as such, the conclusion of trial will take sufficient long time, hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 7 kg and 400 grams charas was recovered from the conscious possession of the petitioner and the co-accused when apprehended by the police. He submits that the trial is going on, as such the petitioner is not entitled to concession of bail.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, on the basis of secret information, barricading was done and the police party apprehended two persons, one of whom was carrying black bag. On being apprehended, they disclosed their name as Ramjas Prasad who was carrying the black bag and the present petitioner as Ravi Kumar, upon their search being conducted leading to recovery of 7kg and 400 grams of charas from black bag carried by Ramjas Parsad co-accused, while no contraband was recovered from the possession of petitioner. The petitioner was arrested on 05.03.2023, after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 16 witnesses and till date 8 witness have been examined.

6. It is evident from the record that the recovery of contraband



effected in this case happens to be from the personal search of the co-accused Ramjas Parsad i.e from the black bag carried by him on his shoulder and no recovery of contraband has been effected from the personal search of the petitioner and he is in custody since 05.03.2023 having no criminal antecedents. The conclusion of trial, will take sufficient long time to ascertain criminal liability, if any, of the petitioner, as such, no purpose would be served by detaining the petitioner in custody any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

20.03.2025

Gyan

i)
ii)

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No