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

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**CRM-M-3569-2025 (O&M)  
Date of decision: 04.02.2025**

**Ram Chander Shah Gor**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sushil Sheoran, Advocate  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case arising out of FIR No. 13 dated 17.01.2023, registered under Sections 20(b)(ii) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Bass, District Hansi.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 17.01.2023, on the basis of secret information, the petitioner and co-accused Geeta were apprehended by a police party headed by ASI Pawan Kumar. On conducting personal search of them, recovery of 04 kgs. 250 grams of *Charas* was effected from the petitioner, whereas 03 kgs. 500 grams of *Charas* was recovered from co-accused Geeta. Both of them were formally arrested at the spot. After completion of necessary investigation

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and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 27.11.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Investigation has since been completed and *challan* has been filed on 01.07.2023. There are 24 prosecution witnesses. However, none has been examined so far. The petitioner is in judicial custody for the last more than two years. Conclusion of trial is likely to take time. More so, similarly situated co-accused Geeta, from whose custody 03 kgs. 500 grams of *Charas* was recovered, has already been granted concession of regular bail by this Court, vide order dated 21.10.2024 passed in **CRM-M-21705-2024**. On the grounds of parity, the petitioner too deserves to be granted the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that the petitioner was apprehended at the spot by the police party and a huge quantity of *Charas* was recovered from him. He is not entitled to get benefit of bail. Trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner along with the above named co-accused was

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apprehended by the police party on 17.01.2023 and recovery of 04 kgs. 250 grams of *Charas* was effected from the petitioner, whereas 03 kgs. 500 grams of *Charas* was recovered from co-accused Geeta. After completion of investigation, challan was presented before the Court on 01.07.2023 but no prosecution witness has been examined so far. Co-accused Geeta has been granted concession of regular bail by this Court as mentioned keeping in her long incarceration period as well as the fact that the trial was likely to take a considerable time. The petitioner is also in judicial custody since 17.01.2023 i.e. for the last more than two years and still the stage of trial is the same as no prosecution witness is stated to be examined so far. Hon'ble Supreme Court in ***Rabi Prakash vs. State of Odisha : 2023 Live Law (SC) 533*** has held that the prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act. Similar view has been taken by Hon'ble Supreme Court in ***Ankur Chaudhary vs. State of Madhya Pradesh : 2024 (4) RCR (Criminal) 172***. Reliance can also be placed upon ***Mohd. Muslim @ Hussain vs. State (NCT of Delhi) : Criminal Appeal No. 943/2023***, decided on 28.03.2023, wherein Hon'ble Supreme Court, while granting concession of regular bail to an accused, from whom commercial quantity of the contraband was allegedly recovered, has held that grant of bail on the ground of undue delay in trial cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436A of Cr.P.C., which is applicable to offences under the NDPS Act too.

7. In the present case, the petitioner is in custody for the last more

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than two years. He is admittedly not involved in any other case under the NDPS Act. The trial is substantially delayed in this case. Therefore, keeping in view ratio of law as laid down in the aforecited authorities, the delay in conclusion of trial and also in view of the fact that similarly situated co-accused has been granted concession of regular bail by this Court and the attendant facts and circumstances of the case, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**04.02.2025**

*Wasim Akbari*

**(MANISHA BATRA)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*