



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

210

CRM-M-18435-2025

Date of decision: April 25th, 2025

Rajat Kumar Ballu @ Mannu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail in FIR No.101 dated 23.05.2024 registered under Sections 15 and 29 of the NDPS Act, at Police Station Sadar Khanna.

2. Learned counsel for the petitioner contends that even as per the case of the prosecution, no recovery of any contraband much less poppy husk was made from the petitioner. The petitioner came to be nominated as an accused pursuant to a disclosure statement allegedly suffered by co-accused Lovedeep Singh and Surinder Malik, who were nabbed on suspicion and from whom a recovery of 180 kilograms of poppy husk was allegedly made. Learned counsel has contended that as per the disclosure statement allegedly suffered by co-accused, the petitioner was one of the prospective buyers of the recovered contraband. Learned counsel has contended that identically placed co-accused

Shubham Kumar has been extended the concession of bail by this Court vide order dated 27.03.2025.

3. On a query put to the learned counsel as to whether investigation in the present case is complete, he submits that not only has the challan been presented but even charges framed and now the prosecution evidence is underway.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by counsel opposite has not disputed, on instructions from S.I. Sukhwinder Singh, that no recovery of any contraband much less poppy husk was made from the petitioner. However, it has been asserted, on instructions, that when the petitioner was nabbed pursuant to the disclosure statement made by co-accused, a sum of ₹40,000/- was recovered from them, which was to be paid to the co-accused towards the purchase of the contraband, which had been earlier recovered by the police. It has been further submitted by the learned State counsel that prosecution evidence is underway with one witness out of the 12 having been examined, two having been given up and with remaining nine to be examined. Learned State counsel has also placed on record the custody certificate of the petitioner, which reveals that he has been in custody since 27.05.2024. It also stands reflected that the petitioner was earlier booked in one other case under the NDPS Act on 28.05.2019, however, he has since been released in the said case after a custody period of eight days.

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

6. The petitioner has been custody since 27.05.2024. No recovery of any contraband was concededly effected from the

petitioner other than ₹40,000/- which was purportedly to be paid to co-accused in lieu of the poppy husk. The trial is unlikely to conclude in the near future as the next date fixed before the trial Court is 03.06.2025, when some of the remaining prosecution witnesses are likely to be examined.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

April 25th, 2025

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No