



229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35727-2025 (O&M)
Date of decision : 15.07.2025

Aakash

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Soeb Khan, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

CRM-25880-2025

Allowed as prayed for.

CRM-M-35727-2025

1. Present petition that has been filed for grant of regular bail to the petitioner in case FIR No.15 dated 08.01.2025, under Sections 22 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Adarsh Nagar, District Faridabad.

2. Succinctly the facts of the case are that on 08.01.2025, the police received a secret information to the effect that Akash S/o Amar Singh was involved in selling the narcotic injections and if the raid is conducted, he could be apprehended. On receiving the information, the raiding party was constituted and police along with special informant reached at the place as disclosed. On pointed by the secret informer, a person standing near the temple was found. On asking, he disclosed his name as Akash. He was carrying a plastic polythene bag and it was suspected to be carrying some contraband in the same. Search of that polythene bag was conducted from which 06 injections of Buprenorphine, 02 ml each injection, were recovered. He failed to



produce any licence regarding possession of 06 injections i.e. 12 ml buprenorphine and thus, he was arrested on spot. On registration of the FIR, investigation commenced. The petitioner approached the learned Additional Sessions Judge, Faridabad for grant of bail, however, after hearing both the sides, the same was declined by the learned Additional Sessions Judge, Faridabad vide order dated 20.05.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the FIR has been registered on the basis of secret information. He submits that there is violation of Section 42 of NDPS Act. He submits that during recovery, compliance of Section 50 of NDPS Act was mandatory, however, there is violation of the same as well. He submits that alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that even otherwise the alleged recovery is of 12 ml buprenorphine injections, which is a non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted. He submits that the petitioner has never been involved in any other case under the NDPS Act. He submits that petitioner is behind bars since 09.01.2025, however, there is no progress in the trial and thus, in the facts and circumstances of the present case, petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the recovery has been effected from the petitioner on due compliance of



provisions of NDPS Act. He submits that 06 injections weighing 12 ml buprenorphine were recovered from the petitioner. He, on instructions, has submitted that challan has been presented, however, charges are yet to be framed. He has placed on record the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the present FIR was lodged on the basis of secret information. The alleged recovery from the petitioner is 06 injections of buprenorphine, which is a non-commercial quantity. The perusal of the custody certificate shows that the petitioner has suffered incarceration of 06 months and 07 days as on 14.07.2025. It further reflects that the petitioner is involved in 02 other cases under the Arms Act in which he is on bail, however, there is no other case under the NDPS Act. Only challan has been presented and charges are yet to be framed.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.

15.07.2025
ps-I

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No