



CRM-M-18221-2025(O&amp;M)

1

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

224

CRM-M-18221-2025(O&M)  
Decided on :17.07.2025

Ankit Kumar Khatik

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Ashit Malik, Advocate and  
Mr. Sagar Aggarwal, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

\*\*\*\*

**SANJAY VASHISTH, J. (Oral)**

1. Present petition has been filed under Section 483 of BNSS seeking regular bail in case FIR No.378 dated 22.07.2024, under Section 18 of NDPS Act (Section 29 of NDPS Act was added later on), registered at Police Station Sadar Thanesar, District Kurukshetra.

2. Learned counsel for the petitioner argues that, as per the case of the prosecution, 2.730 kilograms of opium was recovered from the main accused, namely Dev Kish @ Sonu. The petitioner was also found present along with the said co-accused at the time of recovery. It is submitted that the recovered quantity exceeded the non-commercial quantity by only 230 grams, as the limit for non-commercial quantity is 2.5 kilograms under the NDPS Act.



Counsel further submits that if the process of weighing the contraband is found not to be in accordance with prescribed norms or standard procedure, there is a reasonable possibility that the actual weight of the recovered contraband may fall below the threshold of 2.5 kilograms, thereby classifying it as non-commercial quantity.

It is further argued that since the recovery was made from the co-accused Dev Kishan, the onus lies heavily on the prosecution to establish conscious possession on the part of the present petitioner. Moreover, the petitioner has no previous involvement in any other case under the NDPS Act.

Learned counsel also points out that the petitioner has already undergone custody for almost one year (as of 22.07.2024), and yet charges are scheduled to be framed only on 11.08.2025. The process of recording the prosecution evidence has not yet commenced, thus, prays for grant of regular bail.

3. On the other hand, learned State Counsel has not disputed the factual aspects regarding the stage of proceedings or custody period. Learned State counsel submits that recovered contraband weighs more than 2.5 kilograms, thereby constituting commercial quantity under the NDPS Act. As such, the prescribed minimum sentence is 10 years' rigorous imprisonment, and the gravity of the offence does not warrant any leniency at this stage. Therefore, prayer is made for dismissal of the present petition



4. Having considered the rival submissions and taking note of the fact that the charges are yet to be framed and the recording of the statements of prosecution witnesses has not commenced, this Court is of the view that the continued incarceration of the petitioner, a 23-year-old with no prior criminal involvement under the NDPS Act, may not be justified at this stage.

Without expressing any opinion on the merits of the case, and considering that the recovery of 2.730 kilograms of opium was effected from the co-accused, coupled with the fact that the prosecution is yet to establish conscious possession on the part of the petitioner, and the trial is still at a preliminary stage, this Court is of the considered view that the petitioner's right to personal liberty ought not to be curtailed indefinitely.

5. 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. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.



**CRM-M-18221-2025(O&M)**

**4**

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

**(SANJAY VASHISTH)  
JUDGE**

**17.07.2025**

*Rashmi*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: Yes/No*