

In the Court of Dr. Bhupender Kumar, (UID No. HR0685), Additional Sessions Judge, Rohtak.

HRRH010076652026



Bail application No.339 of 2026.
CIS No.BA-1603 of 2026
Presented on : 13-08-2026
Registered on : 13-08-2026
Decided on : 18-08-2026

Chintu @ Chirag aged: 39 Years S/o Sh. Ramesh Bhatia, resident of House No.86/70, Ward No.30, Nar CM House, Adarsh Nagar, Rohtak.

Versus -----Applicant-Accused.

State of Haryana. -----Respondent.

FIR Number : 480 dated 29.10.2025
Under Section : 22(C)/60 of NDPS Act.
(During investigation Section 29 of NDPS Act was added).
Police Station : Shivaji Colony, Rohtak.

Second Application under Section 483 BNSS.

Argued by: Sh. Ravinder Singh, counsel for the applicant-accused.
Sh. Nikhil Kumar, Public Prosecutor for the respondent-State.

Pursuant to the directions issued by the Hon’ble Apex Court in Zeba Khan v state of up 2026 INSC 144, the case summary is set out in the table below.

Sr. No.	Description
A) Case Details:	

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(i) FIR No. and Date:	480 dated 29.10.2025
(ii) Police Station, District and State	Shivaji Colony, Rohtak (Haryana)
(iii) Sections invoked:	22(C)/60 of NDPS Act. (During investigation Section 29 of NDPS Act was added).
(iv) Maximum punishment prescribed:	Rigorous imprisonment of 10 to 20 years and a fine of ₹1 lakh to ₹2 lakhs under Section 20 (C) of NDPS Act.
(B) Custody & Procedural Compliance	
(i) Date of Arrest:	29.10.2025
(ii) Total period of custody undergone:	Seven Months Nineteen Days
(C) Status of Trial.	
(i) Stage of proceedings (Investigation)/Chargesheet/Cognizance/ Framing of charges/Trial):	Trial
(ii) Total Number of witnesses cited in the chargesheet	28
(iii) Number of prosecution witnesses examined:	Two
(D) Criminal Antecedents	
(i) FIR No. & Police Station	(i) FIR No. 333 Police Station Urban Estate, Rohtak.
(ii) Sections	22,29 of NDPS Act.
(iii) Status(Pending/Acquitted/ Convicted)	Pending

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(E) Previous Bail applications: (i) Court: (ii)Case No. (iii) Outcome of case:	This is the second regular bail application of the applicant/accused. His first bail application has already been dismissed as withdrawn by the court of Sh. Salender Singh, Learned Addl. Sessions Judge, Rohtak vide order dated 31.12.2025.
(F) Coercive Processes (i) Whether any Non-bailble warrant was issued: (ii)Whether declared a proclaimed offender:	No No

ORDER :

This first regular bail application has been filed in the aforementioned F.I.R. by the applicant/accused under Sections 22 (C),60 of NDPS Act. On being informed, learned Public Prosecutor for the State has appeared and filed reply of same date. His first bail application has already been dismissed as withdrawn by the court of Sh. Salender Singh, Learned Addl. Sessions Judge, Rohtak vide order dated 31.12.2025.As per report of Ahlmad no bail application of accused is pending or decided by the Hon’ble High Court.

Excerpts from case:

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2. The brief facts of the present case are that on October 29, 2025, SI Jitender Singh, along with HC Pardeep, Constable Jaldeep, and Constable Vijay, were present under the Jalebi Chowk flyover on Rohtak to Jhajjar Road in a Government vehicle bearing No. HR-12GV-6900, driven by HKRN Balraj, for the search of narcotic drugs. A secret information was received to the effect that Navdeep son of Mangeram, resident of Indraprastha Colony, Sonipat Road, Rohtak, and Chintu alias Chirag son of Ramesh, resident of Adarsh Nagar D-Park, Rohtak, who are involved in selling drugs, would come to Rohtak from Jhajjar that day in their car, a white Honda Amaze bearing No. HR12AG-3927, carrying drugs. The information suggested that if a check post were set up between Shimli and Karotha villages, both youths could be apprehended along with the drugs.

Believing the information to be true, a notice under Section 42 of the NDPS Act was sent to Police Station Shivaji Colony, Rohtak.

Thereafter, the SI, along with his other police officials, reached the road leading to Rohtak on Rohtak-Jhajjar Road in the area of village Karotha to set up a check post, which was then started. After some time, a white Honda Amaze car was seen approaching from the Jhajjar side. The SI stopped the car by parking the government vehicle on the road and signalling with his hand. The car had the number HR12AG-3927, as given by the informer. Following this, SI Jitendra (No. 126), with

the help of other police officials, overpowered the two youths sitting in the car and asked for their names and addresses. The youth driving the car gave his name as Chintu alias Chirag son of Ramesh, resident of House No. 70/30, Adarsh Nagar D-PARK, Rohtak, and the youth sitting on the conductor seat next to him gave his name as Navdeep alias Deepu son of Mangeram, resident of House No. 12, Indraprastha Colony, Sonipat Road, Rohtak, currently a tenant at G-403 Signature Global Roselia Sector 95A, District Gurugram.

Notices under Section 50 of the NDPS Act were issued to accused Navdeep @ Deepu and Chirag @ Chintu. On their personal search as well as the search of the vehicle bearing registration No. HR-12AG-3927 in the presence of Shri Y.B.R Shashik Shekhar, IPS, ASP, thirty-seven strips of capsules of Marka Pyeevon Spas Plus (Acetaminophen, Tramadol HCl, Dicyclomine HCl Capsules/Spasmed Capsules) were recovered from a polythene bag. On checking the strips, 17 strips of Pyeevon Spas Plus, each containing eight capsules (total 136 capsules), 10 strips of Spasmed Capsules, each containing twenty four capsules (total 240 capsules), and 10 strips of Acetaminophen, Tramadol HCl, Dicyclomine HCl Capsules/Spasmed Capsules, each containing twenty-four capsules (total 240 capsules), making a total of 616 capsules, were recovered. They failed to produce any permit or licence for possessing such capsules. Thereafter, an FIR under Sections 22 and 60 of

the NDPS Act was registered, and during the investigation, applicant-accused has been arrested and Section 29 of the NDPS Act was added.

Argument advanced by learned counsel for the applicant/accused:

3. Learned counsel for the applicant-accused has submitted that the applicant is an innocent person who has been falsely implicated in the present case. Learned counsel for the applicant-accused further submitted that the investigation against the applicant-accused has been completed in the present case and challan has also been filed. It was also submitted that the case pertains to commercial quantity. Learned counsel for the applicant-accused further submitted that the applicant is having permanent abode and there is no chances of flee from justice. Learned counsel for the applicant-accused further urged that the accused is in custody since 29.10.2025. Learned counsel for the applicant-accused further submitted that the trial of the case will take long time and no useful purpose would be served by keeping the accused in further custody.

Attention of this Court has been invited to the entire gamut of the facts and circumstances of the case, and on these premises, learned counsel prays for the grant of regular bail to the applicant/accused.

Arguments advanced by learned Public Prosecutor for State.

4. Per contra, the learned Public Prosecutor for the State vehemently opposed the submissions made by the learned counsel for

the applicant/accused. It was contended that the present case pertains to commercial quantity of contraband, and therefore the allegations are grave and serious in nature.

It is further submitted that the applicant has criminal antecedents, as one another criminal case is pending against him. Learned Public Prosecutor stresses that the rigours of Section 37 of the NDPS Act squarely apply to the present case, and therefore, the applicant is not entitled to the concession of regular bail. A prayer is accordingly made for dismissal of the application.

5. I have heard learned counsel for the applicant/accused and learned Public Prosecutor for the State and have carefully considered their respective submissions.

6. The quantity of substance allegedly recovered from the applicant alongwith co-accused falls under commercial quantity.

7. Adverting to the facts of the case, it is evident from the record that 136 Pyeevon Spas Plus Tramadol capsules and 480 Spasmed capsules, totalling 616 capsules, were allegedly recovered from the possession of the applicant-accused alongwith co-accused Navdeep.

8. **Section 37 of the NDPS Act** deals with bail to the accused charged in connection with offence involving commercial quantity of a narcotic drug or psychotropic substance.

9. The provision is reproduced hereinbelow for the sake of ready reference:

“[37. Offences to be cognizable and nonbailable.—(1)
Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for [offences under Section 19 or Section 24 or Section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) *The limitations on granting of bail specified in clause (b) of sub section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force on granting of bail]”*

10. A plain reading of statutory provision makes it abundantly clear that in the event, the Public Prosecutor opposes the prayer for bail either regular or anticipatory, as the case may be, the Court would have to record a satisfaction that there are grounds for believing that the accused is not guilty of the offence alleged and that he is not likely to commit any offence while on bail.

11. Furthermore, in **State by Inspector of Police Vs. B.Ramu SLR(Criminal) No.8137 of 2022 date of decision 12.02.2024**, The **Hon’ble Apex Court held that:-**

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“In case of recovery of such a huge quantity of narcotic substance, the Courts should be slow in granting even regular bail to the accused, what to talk of anticipatory bail”.

12. For entertaining a prayer for bail in a case involving recovery of commercial quantity of narcotic drug or psychotropic substance, the Court would have to mandatorily record the satisfaction in terms of the rider contained in Section 37 of the NDPS Act.

Findings:

13. I have analysed the case laws cited above and contentions raised by both the parties.

14. The present case was initially registered against co-accused Navdeep and applicant-accused, who were apprehended on the basis of secret information which ultimately proved to be reliable. A commercial quantity of contraband was recovered from the applicant-accused as well as co-accused.

This Court is unable to accept the contention raised by the learned counsel for the applicant/accused that, since no recovery of narcotic substance has been effected from the applicant, he is entitled to the concession of bail. The rigour of Section 37 of the NDPS Act is clearly attracted in the present case, which significantly

curtails the discretion of the Court in granting bail in offences involving commercial quantity.

Furthermore, in the present case, the FSL report has already been received, confirming the nature of the recovered substance. Therefore, keeping in view the gravity of the offence, seriousness of the allegations, and the statutory embargo contained under Section 37 of the NDPS Act, this Court is of the considered view that no ground is made out for granting regular bail to the applicant/accused.

Accordingly, the regular bail application filed on behalf of the applicant/accused stands **dismissed**.

15. Nothing contained in this order shall be construed as an expression of a final opinion on the merits of the case. The observations made herein are only for the purpose of deciding the present bail application. The trial court shall decide the matter independently on the basis of evidence brought on record during the course of trial. Let the papers be tagged with the main case file.

Pronounced in open Court.
Dated:18.08.2026

(Dr. Bhupender Kumar),
Addl. Sessions Judge,
Rohtak (UID No.HR-0685)

Note: All the pages of this order have been checked and signed by me.

S.Jain

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Argued by: Sh. Ravinder Singh, counsel for the applicant-accused.
Sh. Nikhil Kumar, Public Prosecutor for the respondent-State.

Arguments heard. Vide my separate order of even date, the present bail application has been dismissed. Papers be tagged with the main case file.

Pronounced in open Court.
Dated: 18.08.2026

S.Jain

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