

**IN THE COURT OF AMIT SAHRAWAT,
ADDITIONAL SESSIONS JUDGE,
(FAST TRACK SPECIAL COURT FOR TRIAL OF
OFFENCES UNDER NDPS ACT), KURUKSHETRA**

UID:HR0217

CNR No.HRKU01-005074-2026

C.I.S. (Bail App.) No.1218 of 2026

Date of Institution : 14.07.2026

Date of Decision : 16.07.2026

Rajender, aged 42 years, son of Chiman Lal, resident of Indra Colony, near Paras Cinema, Thanesar, District Kurukshetra.

...Petitioner-Accused

Versus

State of Haryana.

...Respondent-State

FIR No.146 dated 17.06.2026

Under Section: 20(b)-27A-61-85 of NDPS Act

Police Station: City Thanesar

Application under Section 483 BNSS for grant of regular bail

Present: Mr. Arun Tanwar, Advocate for the accused-petitioner.
Mr. Vikas Singh, Public Prosecutor for the respondent-State.

ORDER

This order of mine shall dispose of the application for regular bail in the aforementioned First Information Report filed by the petitioner-accused under Section 483 of BNSS.

2. An affidavit was attached along-with the bail application on behalf of the petitioner-accused that no such other bail application is pending in any Court of law except present one.

3. Reply to the bail application was filed by the Investigating Officer, also forwarded by the Ld. Public Prosecutor appearing for the State.

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(Fast Track Special Court for
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4. Briefly stated, as per the case made by the investigating agency, on 17.06.2026, ASI Rajesh Kumar along-with other police officials was present near Kalra Park, Layalpur Colony, Kurukshetra, under the railway flyover in search of narcotic substance, when he received a secret information that co-accused Suman Kumar was engaged in selling Ganja and he was coming on foot in order to sell the same in the area of Railway Station and Gandhi Nagar Colony. Upon receiving this information, ASI Rajesh Kumar along-with fellow officials started checking. After some time, a person, having a plastic sack on his right shoulder, was seen coming from the side of Mohan Nagar Chowk, who was apprehended on the ground of suspicion. On asking, he revealed his name as Suman Kumar. During checking, co-accused Suman Kumar was found having the possession of 12 kg 525 gm Ganja in the said plastic sack.

5. Accordingly, a tehrir was written and sent to the police station, basis on which, the instant criminal case was registered. Co-accused Suman Kumar was arrested and during interrogation, he suffered a disclosure statement, implicating the present petitioner. Thereafter, the petitioner was booked for the commission of offence punishable under Section 27-A of NDPS Act. He was lying in judicial custody since 18.06.2026. Therefore, he moved this application for regular bail.

6. I have heard the arguments advanced by learned counsel for the accused-petitioner and the learned Public Prosecutor for the State.

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7. The name of the present petitioner has surfaced in the disclosure statement suffered by co-accused Suman Kumar, who was caught red handed by the police team headed by ASI Rajesh Kumar on 17.06.2026, having the possession of 12 kg 525 gm Ganja. The petitioner has been booked for the commission of offence punishable under Section 27-A of NDPS Act and no recovery has been affected from him. He is lying behind the bars since 18.06.2026. The quantity of the contraband, allegedly recovered from the co-accused, was intermediate. The investigation as well as subsequent trial are likely to take a considerable time and the petitioner, who is already lying in custody since 18.06.2026, may not be kept behind bars for an indefinite period.

8. Furthermore, in the authority titled as **Sami Ullaha Versus Superintendent, Narcotic Control Bureau, 2008 (16) SCC 471**, the Hon'ble Supreme Court clearly held that in the cases of NDPS Act pertaining to intermediate quantity, the rigors of the provisions of Section 37 may not be justified. It was further observed therein that a person's liberty is protected in terms of Article 21 of the Constitution of India and when two views are possible, the view, which leans in favour of the accused, must be favoured. Even in another authority titled as **State of West Bengal Versus Rakesh Singh alias Rakesh Kumar Singh, Criminal Appeal No.293 of 2022, decided on 11.07.2022**, the Hon'ble Supreme Court recorded that the rigors of Section 37 of the Act will not apply if the applicability of Section 27-A of the Act is seriously questionable and the quantity involved was intermediate

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with no recovery from the accused seeking the bail. In the authority titled as **Sukhdeep Kaur alias Golu Versus State of Haryana, CRM-M-10611-2023**, the Hon'ble Punjab and Haryana High Court, while relying upon **Sami Ullaha (supra)** and **Rakesh Singh alias Rakesh Kumar Singh (supra)**, granted the bail to the accused booked by the police for the commission of offence punishable under Section 27-A of the Act on the basis of the disclosure statement of the co-accused, where an intermediate quantity of the contraband had been recovered. The Hon'ble Punjab and Haryana High Court observed that applicability of Section 37 of NDPS Act in such cases, where intermediate quantity of the narcotic substance is involved, would not be justified.

9. Authorities titled as **Arvind Kumar Versus State of Himachal Pradesh, Cr.MP(M) No.990 of 2021**, decided by the Hon'ble High Court of Himachal Pradesh on 04.06.2021 and **Sunny Kapoor Versus State of H.P., Cr.MP(M) No.2168 of 2020** are also relevant in this regard, wherein the Hon'ble High Court of Himachal Pradesh clearly held that when the quantity of the narcotic substance recovered from the accused is less than commercial, the rigors of Section 37 of NDPS Act will not attract and factors become similar to the bail petitions under regular statutes.

10. Hence, keeping in view all the facts and circumstances and placing reliance on the supra authorities, the bail application of the petitioner is hereby allowed, subject to his furnishing bail bonds in the sum of

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Rs.1,00,000/- with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate. A copy of this order be sent to the Court of learned Illaqa Magistrate for information and necessary compliance and with the direction to forward the requisite bail bonds to this Court.

11. None of the opinion recorded above by this Court in the instant order would affect the merits of the case in any manner in future and the same are recorded only for the purpose of determination of application for bail. File be consigned to the record room after due compliance.

Pronounced in open Court:
16.07.2026

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Note: It is certified that this order contains five pages and
all the pages have been checked and signed by me.

Tarun Bindra, Stenographer-II

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Present: Mr. Arun Tanwar, Advocate for the accused-petitioner.
Mr. Vikas Singh, Public Prosecutor for the respondent-State.

ORDER

Reply filed.

Arguments heard. Vide separate order of even date, the present bail application has been **allowed**. File be consigned to the record room after due compliance.

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