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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CRM-M-35686-2026 (O&M)**  
**Date of pronouncement: 09.09.2026****RAKESH @ RAKA****..... PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**Argued by: Mr. Jasvir Singh Dhaliwal, Advocate  
for the petitioner.

Ms. Kanica Sachdeva, DAG, Haryana.

| <b>Sr. No.</b> | <b>Particulars</b>                                                                       |                |
|----------------|------------------------------------------------------------------------------------------|----------------|
| 1.             | The date when the judgment is reserved                                                   | 07.09.2026     |
| 2.             | The date when the judgment is pronounced                                                 | 09.09.2026     |
| 3.             | The date when the judgment is uploaded on the website                                    | 09.09.2026     |
| 4.             | Whether only operative part of the judgment is pronounced or full judgment is pronounced | Full           |
| 5.             | The delay, if any, of the pronouncement of full judgment and reasons thereof             | Not applicable |

**SHALINI SINGH NAGPAL J.**

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1. Petitioner seeks regular bail in FIR No.200 dated 24.09.2025 under Sections 20C, 27A Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25, 54 and 59 of Arms Act, at Police Station Bhattu Kalan, District Fatehabad, Haryana. This is the second petition for regular bail. First petition was dismissed as withdrawn on 27.03.2026.

2. It is alleged that on 24.09.2025, when police party headed by ASI Basant Singh was present Bhattu Kalan-Ramsara Road, secret information was received regarding the petitioner and co-accused Vikram



engaged in business of selling Ganja upon which police party reached main Road Bhattu kalan and stopped car bearing registration no. HR-26BN-0539 I20. Petitioner Rakesh alias Raka was found travelling in the car with white colour plastic bag on conductor seat. The bag contained 21 kg. 130 grams *ganja*. On personal search of the petitioner, one illegal.32 bore pistol was also recovered from right pocket of the petitioner along with 2 live .32 bore cartridges.

3. Learned counsel for the petitioner submits that petitioner was in custody for the last 1 year. The quantity of contraband was marginally higher than commercial quantity. Allegations against the petitioner were not convincing. Investigation was complete and trial would take long to conclude. Therefore, petitioner deserved to be enlarged on regular bail.

4. Status report by way of affidavit of Jagdish Kumar, HPS, DSP, Bhattu Kalan, Haryana and custody certificate dated 03.09.2026 have been filed by State of Haryana, which are taken on record. Learned State counsel opposes the prayer for regular bail arguing that petitioner was a habitual offender involved in 2 other cases of NDPS Act and 1 case under Section 302 IPC. He was not only found in conscious possession of the contraband including illegal arms, call detail records and CCTV footages were also obtained during investigation which proved that petitioner picked up co-accused in his vehicle for purchasing *ganja*. Petitioner and co-accused Vikram were present at the same location at the relevant time. There were whatsapp chats showing communication between them. All entire evidence independently corroborated with petitioner's role in procurement, financing and transportation of commercial quantity of *ganja*. He thus, prays for dismissal of the petition.



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5. Besides commercial quantity of *ganja*, one illegal .32 bore pistol along with 2 live .32 bore cartridges were recovered from conscious possession of the petitioner who is involved in 4 other cases, out of which 2 were under the NDPS Act and 1 under Section 302 IPC. The prayer for regular bail must be declined in view of commercial quantity of contraband, criminal antecedents of the petitioner and the statutory bar under Section 37 of the NDPS Act. The Court is in no position to record a satisfaction that there are reasonable grounds to believe that petitioner is not guilty of the offence and is not likely to commit any offence while on bail. The period of custody i.e. 1 year cannot be regarded prolonged custody as the maximum sentence under Section 20-C and 27-A NDPS Act is 20 years. Possibility of the petitioner indulging in similar offences, once released on bail is high. Considering all relevant facts and the propensity of the petitioner for criminal activities particularly those under the NDPS Act and under Section 302 IPC, the petition for regular bail is **dismissed**.

6. Nothing observed hereinabove shall be taken as expression of opinion on merits of the case.

7. Pending miscellaneous applications, if any, stand disposed of.

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

**09.09.2026**

Sumit Singla

|                           |   |        |
|---------------------------|---|--------|
| Whether Speaking/Reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |