

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Bail App No. 330/2025
CrIM No. 2265/2025

Sunil Kumar Singh

..... Petitioner(s)/ Appellant(s)

Through: Mr. Sanchit Verma, Advocate

vs

UT of J&K

..... Respondent(s)

Through: None

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
02.02.2026

- 01.** Petitioner has invoked Section 483 BNSS for bail, in FIR No.29/2025, registered with Police Station, GRP, Jammu, under Sections 8/20 of NDPS Act, after a similar plea came to be declined by learned Sessions Judge/Special Judge (NDPS Cases), Jammu, [“the trial Court”].
- 02.** As prosecution story would unfurl, on 23.07.2025, a docket was flashed by Incharge Naka Party to the Police Station stating, *inter alia* that during patrolling at Platform No.01, Railway Station, Jammu and reached near Kathua End, Railway Station, they spotted suspicious movement of a person carrying a grey coloured bag. He was apprehended and when enquired he disclosed his name as Sunil Kumar Singh- the petitioner herein. Three packets containing ‘Ganja’ like substance, wrapped with khakhi cello tape came to be recovered from his bag and he failed to furnish satisfactory reply. On the receipt of this docket, FIR came to be registered.
- 03.** During investigation, alleged contraband was weighed. Packet 01 was 2.050 kg, packet 02 was 1.020 kg and packet 03 was 1.012 kg in weight.

Total weight of three packets was found 4.082 kg, which came to be seized and sealed in the presence of witnesses. Samples were extracted and sent to FSL for chemical examination and as per the FSL report, the contraband recovered from the possession of the petitioner was identified as Ganja. It also surfaced during investigation that applicant was a habitual offender as he also involved in a case of like nature in Bihar.

04. The petitioner seeks his enlargement on bail primarily on the ground that investigation of the case has already culminated in the presentation of charge-sheet, he stands charged by the trial Court and conclusion of trial is likely to take considerable time. It is also urged that alleged contraband recovered in the present case being intermediate quantity, bar under Section 37 NDPS Act is not attracted.
05. The petition has been opposed on the other side predominantly on the ground of gravity of the charge and that petitioner is a habitual offender.
06. Gravity of the charge and criminal antecedents of accused are, no doubt relevant considerations while considering a bail plea, but it cannot be reckoned as the only factor. A bail order must reflect a balance between conflicting interests of shielding the society from the hazards of criminals and absolute adherence to the cardinal principle of criminal jurisprudence regarding presumption of innocence of an accused until he is found guilty. Since investigation, in this case, has already culminated in final report against the applicant and he is behind the bars for more than six months, the alleged contraband is an intermediate quantity and the witnesses cited in the charge-sheet are police officials,

no fruitful purpose shall be served with continued incarceration of the applicant.

07. Hence, present application is *allowed* and the petitioner is ordered to be released on bail on his furnishing a surety bond in the amount of Rs.1.00 lac to the satisfaction of learned trial Court and a bond of personal recognizance of like amount to the satisfaction of Superintendent of concerned Jail, subject, however, to the following conditions:

- i. he shall not jump over bail and tamper with the prosecution evidence;
- ii. he shall not leave territorial jurisdiction of the UT of J&K without prior permission of the trial Court;
- iii. he shall not, in any, way, threaten or coerce the prosecution witnesses; and
- iv. he shall appear before the trial Court on each and every date of hearing.

08. Bail Application, accordingly, stands **disposed of**.

(Rajesh Sekhri)
Judge

Jammu
02.02.2026
Riya Kochhar