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

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Decided on :12.08.2026

Jashanpreet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Raghav Soni, Advocate for the petitioner.

Mr. Vinay Malhorta, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No. 77 dated 04.10.2025 under Sections 21-C, 29 of NDPS Act, registered at Police Station Dhilwan, District Kapurthala.

2. Case of the prosecution is that, on 03.10.2025, at about 10:00 p.m., when the police team was conducting Nakabandi and checking vehicles, a motorcycle bearing registration No. PB46-AM-4147, carrying three young persons, was stopped. Upon inquiry, driver disclosed his name as Arshdeep Singh @ Arsh; person sitting in the middle disclosed his name as Gurdevpal Singh; and third person, who was riding on the pillion seat, disclosed his name as Jashanpreet Singh (petitioner herein).

Upon conducting a search of the motorcycle, 275 grams of heroin was allegedly recovered from its dicky.

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3. Learned counsel for the petitioner contends that neither does the motorcycle belong to the petitioner; nor was he driving the same. The question that arises for consideration is whether the petitioner was in conscious possession of the recovered heroin or was merely travelling on the motorcycle as a pillion rider.

Learned counsel for the petitioner further submits that petitioner is in custody for a period of last ten months and three days and has never been found involved in any other criminal activity in the past. It is further submitted that the process of recording the statements of the prosecution witnesses is yet to commence. Accordingly, learned counsel prays for grant of bail.

4. On the other hand, learned State counsel argues that, since petitioner was travelling on the same motorcycle along with his co-accused, he cannot, at this stage, take the plea that he was not in conscious possession of the recovered contraband, unless the said plea is established during the course of trial. It is further contended that, in all probability, the onus lies upon the petitioner to establish that he had neither any knowledge of the presence of the narcotic contraband, i.e. Heroin, lying in the dicky of the motorcycle, nor was he in conscious possession thereof. Thus, learned State counsel prays for dismissal of the present petition.

5. I have heard learned counsel for the parties and gone through the paper-book.

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6. Admittedly, there is no other criminal case pending against the petitioner, who is about 30 years of age. It is also not in dispute that petitioner was merely travelling as a pillion rider on the motorcycle and was sitting on the rear seat, having no control over the vehicle, which was being driven by his co-accused.

At this stage, the question as to whether the petitioner had knowledge of the presence of the contraband lying in the dicky of the motorcycle and, consequently, whether he was in conscious possession thereof, would require consideration during the course of trial. The fact that petitioner was travelling on the motorcycle along with the other co-accused, by itself, may not be sufficient at this stage to conclusively attribute conscious possession of the recovered contraband to him, particularly when the motorcycle did not belong to him and he was admittedly not driving the same.

The position, however, would stand on a different footing qua the accused who was driving the motorcycle and was in control of the vehicle, as the question of his knowledge and possession of the contraband would have to be assessed in the light of the control exercised by him over the motorcycle and its dicky.

7. Considering the aforesaid circumstances, coupled with the fact that the petitioner has no criminal antecedents and is in custody for a considerable period, this Court is of the considered view that the petitioner has made out a case for grant of bail.

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Accordingly, present petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing bail bonds and 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.

8. Any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case. Learned trial Court shall proceed to decide the case independently, on the basis of evidence available on record, in accordance with law and as expeditiously as possible.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

12.08.2026***Rashmi***

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No