



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
229

CRM-M-352-2025 (O&M)
Date of decision: 21.07.2025

Neeraj Handa
.....Petitioner
versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Charanpreet Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.147 dated 04.07.2023 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Mahilpur, District Hoshiarpur.
2. As per the case of the prosecution, on 04.07.2023, while on patrolling duty near the gate of Gram Panchayat Haveli, a police team from PS Mahilpur headed by ASI Satnam Singh noticed a suspicious individual who attempted to flee upon being approached by them. He was apprehended and identified as Neeraj Kumar alias Handa resident of village Haveli. After being informed of his legal rights under the NDPS Act, he consented to a personal search and a consent memo was prepared in this regard. Despite attempts, no public witnesses could be



joined in the investigation. Thereafter, upon searching, 261 grams of heroin was recovered from the accused and the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The contraband, which was allegedly recovered from the conscious possession of the petitioner is 261 gms. of heroin, which is marginally higher than the non-commercial quantity. The contraband was taken into possession and weighed along with the polythene bag as such, if the weight of the polythene bag is reduced, the alleged contraband recovered from the petitioner, would be less than the commercial quantity and the case of petitioner is short only by approximately 1½ months from being covered by the ratio of law laid down in ***Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023.***

4. Learned counsel for the petitioner further submits that the petitioner is in custody since 07.07.2023 and there are total 12 prosecution witnesses cited in the list of witnesses, out of which, only 01 PW has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the contraband allegedly recovered from the conscious possession of the petitioner,



falls within the ambit of commercial quantity and petitioner is a habitual offender and is involved in other cases also, as such, he is not entitled to any relief, however, he could not controvert the fact that out of 12 PWs, only 01 PW has been examined till date.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 year, 04 months and 09 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 12 prosecution witnesses, only 01 PW has been examined so far. However, this delay in conclusion of the trial cannot be attributed to the petitioner.

7. The contraband recovered from the petitioner exceeds the commercial quantity by 11 gms. In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in *Davinder Singh alias Baba vs. State of Punjab in CRM-M-64821-2023 decided on 25.01.2024*, *Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024*, *Ranjti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on 10.01.2023*, *Jagtar Singh vs. State of Punjab in CRM-M-21460-2022 decided on 08.02.2023*, *Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024*, *Jang Kanwar vs. State*



of Punjab in CRM-M-53415-2021 decided on 19.01.2022, Sukhchain Singh @ Manga vs. State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021)’ decided on 11.11.2022, ‘Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim vs. State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Satnam Singh @ Chacha vs State of Punjab, CRM-M-34531-2020, decided on 25.02.2021, Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020, Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023’, and Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023.

8. Moreover, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. In fact, keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. Finally, in view of the ratio of law laid down by Hon’ble Supreme Court in *Prabhakar Tiwari vs. State of UP and Anr. 2020(1) RCR (Criminal) 831* and *Maulana Mohd. Amir Rashadi vs. State of*



U.P. and Others 2012(2) SCC 382, the involvement of an accused in other criminal cases cannot be the sole ground to deny the concession of bail to the petitioner.

10. In view of the discussions made hereinabove, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Neeraj Handa is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

21.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No