



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-1427-2025 (O&M)
Date of Decision:- 12.03.2025

UTKARASH ALIAS ABHI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Shivoy Dhir, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.s

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
188	11.10.2024	21-B and 29 of the NDPS Act	Division No.5, District Ludhiana

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no alleged recovery has been effected from the petitioner and a false case has been planted upon him. He submits that even as per the allegations levelled in the FIR, the petitioner was found in possession of 120 grams of heroin, which does not fall within the purview of commercial



quantity. He submits that the petitioner is a student, having no criminal antecedents and challan has already been presented in Court and the conclusion of trial is likely to take considerable long time. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that petitioner was apprehended with 120 grams of heroin, which he was carrying without any licence or permit. He has, however, not disputed the fact that the recovery effected from the petitioner does not fall within the category of commercial quantity and challan has been presented in Court.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, 120 grams of heroin was allegedly recovered from the conscious possession of the petitioner, which he had thrown away on seeing the police party after taking out from the pocket of his pant. Consequent upon his arrest on 11.10.2024 and after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 12 witnesses, however, till date none has been examined. The petitioner is a young boy of 18 years of age, having no criminal antecedents and the recovery allegedly effected from him does not fall within the purview of commercial quantity. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.



6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

12.03.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No