

[214]

CRM-M-26034-2025

Date of Decision : 03.09.2025

Madhav Sharma

...Petitioner

versus

State of Punjab

....Respondent

Coram :

HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:

Mr. Ashit Malik, Advocate with
Mr. Abhinav Kansal, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

[1]

The instant petition has been filed under Section 483 of BNSS, Grant of regular bail to the petitioner, during the pendency of trial, when booked in a criminal case arising out of First Information detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Madhav Sharma	26	04.02.2025	Section 111 of BNS, 2023 and Sections 21, 23, 25, 27-A, 29 of NDPS Act and Section 25 of Arms Act, and Sections 3/4/5 of Official Secrets Act, 1923	Gharinda	Amritsar (Rural)

[2] At the very outset, counsel for the petitioner points out that vide order dated 06.08.2025, petitioner was granted interim bail for the purpose of attending the rituals of his mother. After being released on interim bail, petitioner has surrendered back to the Court of learned Addl. Sessions Judge, Amritsar on 01.09.2025 and in that support, counsel produces photocopy of the order dated 01.09.2025 passed by the learned Additional Sessions Judge, Amritsar along with copy of *vakalatnama* dated 02.09.2025 having been signed by the petitioner while he is in custody. Photocopy of order dated 01.09.2005 and *vakalatnama* dated 02.09.2025 are taken on record.

[3] Learned counsel for the petitioner contends that as per allegations in FIR, a secret information with received by the police and on the basis of the said secret information, *Nakka* was installed and thereafter one Verna Car bearing temporary No.CH12-0134 was seen coming from the side of village Ranike, which was being driven by Amritpal Singh @ Amrit while Mandeep Singh @ Mandy was sitting adjacent to the driver seat and Madhav Sharma (**petitioner herein**) was sitting on the back seat. After following the procedure as per NDPS Act, search was conducted and thereon from the left pocket of jacket worn by Mandeep Singh @ Mandy, 500 grams of *heroin* was recovered wrapped in plastic polythene. From the left pocket of the pant (dub) worn by another co-accused Amritpal Singh @ Amrit, one pistol 30 bore was recovered. From the third accused namely Madhav Sharma (**petitioner herein**), who was sitting on the rear seat along with a kit bag kept on his shoulder, recovery of Indian currency notes totaling to Rs.10 lacs was effected. Apart the aforementioned recoveries, from the respective accused, one currency counting machine was also recovered from the *dikki* of the car.

[4] Counsel for the petitioner argues that petitioner cannot be alleged to have committed any crime punishable under NDPS Act, because there is nothing recovered from him during investigation. There was no prior knowledge with him about the *heroin* kept by his co-accused Mandeep Singh @ Mandy in his left pocket of jacket, as same was not even visible. Therefore, the moot question before the trial Court would be whether, all the accused were in conscious possession of the contraband or it was only accused Mandeep Singh @ Mandy, having exclusive knowledge of the contraband. Further argues that the amount recovered from the petitioner is a drug money is also heavily relied upon by the prosecution to prove the said charge because as per explanation, having been recorded by the Sessions Court at the time of hearing of the bail petition, it has been well explained that the petitioner is doing the business of *papar warian* in Amritsar and money was taken by him on loan from his friend Malwinder Singh and said amount was given to him after withdrawing the same from the bank account of said friend's wife.

[5] It is further argued that petitioner is a young person, aged 31 years, and is never found indulged in any similar activity in past, punishable under NDPS Act.

[6] Counsel for the petitioner also argues that in fact petitioner was arrested on 03.02.2025 at 08:25 PM from his house and said fact is found recorded in the CCTV footage, which has been acquired by the petitioner from his neighbourer, wherein it can be noticed that petitioner was taken away by the police officials in civil dress on 03.02.2025 at 08.:25 PM. Thus, petitioner challenges the manner of illegal custody as in which he has been arrested.

[7] In the instant case, he is inside jail since 03.02.2025 (as per FIR 04.02.2025) and investigation in the case has already been completed and challan has also been submitted to the Court. Therefore, no useful purpose would be served by keeping the petitioner in custody, thus, he prays for grant of regular bail.

[8] On the other hand, learned State Counsel, Punjab, submits that petitioner is involved in a serious offence, wherein the commercial quantity of *heroin* has been recovered from his co-accused and even one of the accused Rajbir Singh, who serves in Army and co-accused Amritpal Singh @ Amrit is yet to be arrested. However, learned State Counsel, is unable to dispute the aspect that petitioner is not involved in any other case and the investigation the case already stands completed.

[9] After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that the investigation of the case stands concluded and no contraband was recovered from the conscious possession of the petitioner, the recovery if any, is from the possession of the co-accused Amritpal Singh @ Amrit and Mandeep Singh @ Mandy. Moreover, the petitioner is in custody since 03.02.2025 (as per FIR 04.02.2025) and no useful purpose would be served by keeping the petitioner in custody for indefinite period.

[10] In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

[11] Consequently, prayer made in the present petition is **allowed**.
Petitioner is ordered to be released on bail, subject to his furnishing
bail/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.

[12] Needless to observe that the petitioner shall not extend any
threat and shall not influence any prosecution witness in any manner directly
or indirectly.

[13] Any of the discussion done and recorded here above, shall not
be construed as an expression of opinion on the facts of the case. Therefore,
trial Court is expected to decide the case by taking an independent view, on
the basis of evidence available on record, as expeditiously as possible, in
accordance with law.

[14] It is further made clear that if, in future, petitioner is directly
found indulged in similar kind of activities, this order shall be deemed to be
cancelled.

[15] Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

03.09.2025

'R. Sharma'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>