

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

**CRM-M-26260-2025
Date of decision: 16.09.2025**

RAJVIR KAUR ALIAS RAJ

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

216(2)

CRM-M-26338-2025

MANJIT KAUR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Yashpal Thakur, Advocate for the petitioner(s).

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. By this common order, petitions bearing CRM-M-26260-2025 & CRM-M-26338-2025 are being decided together as both the petitions related to common FIR.

2. This is first petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner(s) in case FIR No.44, dated 08.03.2025, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, Punjab, under Sections 22-C/61/85 of NDPS Act.

3. Learned counsel for the petitioner(s) as well as learned State counsel have been heard and material collected by the police during investigation has been perused.



4. Brief facts of the prosecution case are that on 07.03.2025, the police party stopped one motorcycle, which was being driven by one Amarjit Singh @ Raju while petitioners Rajvir Kaur @ Raj and Manjit Kaur were riding the pillion. One black coloured bag was tied on the motorcycle, which was checked and it was found to be containing 55 injections of Buprenorphine, 2ml each and 25 vials of Avil injection and Rs.3000/- in cash. All the three motorcyclists were arrested and the contraband was seized and after completion of usual investigation, final report has been presented for trial.

5. Learned counsel for the petitioners argued that petitioners have been falsely implicated in the present case, who are in custody since 08.03.2025. Even if the allegations levelled in the FIR are taken to be true, they were merely riding the motorcycle as pillion riders and the bag was hanging from the motorcycle being driven by the co-accused and as such, it cannot be inferred that petitioners were in conscious possession of the contraband. Learned counsel next contended that the trial is likely to take sufficiently long time to conclude and no useful purpose will be served by detaining the petitioners in custody any more and they may be released on bail. In support of his contentions, learned counsel has cited the judgment dated 09.03.2021 passed in CRM-M-23656-2020 titled as '**Bahadar Singh Vs. State of Punjab**', the judgment dated 07.10.2020 passed in CRM-M-8316-2020(O&M) titled as '**Surender Singh Vs. State of Haryana**' and the judgment dated 09.02.2021 passed in CRM-M-6687-2020 titled as '**Avtar Singh Vs. State of Punjab**'.

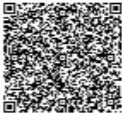


6. On the other hand, learned State counsel has opposed the bail and argued that petitioners do not deserve the concession of regular bail in view of gravity of offence. Learned State counsel further argued that recovered quantity is commercial and rigors of Section 37 of NDPS Act are attracted and petitioners are thus not entitled to be released on bail.

7. The petitioners were riding the pillion on the motorcycle being driven by co-accused-Amarjit Singh @ Raju. As to whether they were in conscious possession of the contraband or not shall be the moot point, which shall be determined during the trial. Petitioners are in custody since 08.03.2025. In **Bahadar Singh, Surender Singh and Avtar Singh's cases (supra)**, the accused, who were co-passengers on the motorcycle were released on bail with the observations that the question of their conscious possession can be determined only during the trial and the aforesaid case law is fully applicable to the facts to the case in hand. Moreover, the trial will certainly take a long time to conclude and in these circumstances, further detention of the petitioners is not required and they are entitled to be released on bail.

8. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

9. Pending misc. application(s), if any, shall also stand disposed of.



10. A photocopy of this order be placed on the file of other connected case.

16.09.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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