



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

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CRM-M-34476-2025 (O&M)
Date of Decision:- 26.11.2025

Nizam ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Sandeep Verma, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in case bearing FIR No.211, dated 18.09.2023, registered under Sections 21 and 29 of NDPS Act, 1985, at Police Station Dharamkot, District Moga.
2. Learned counsel for the petitioner contended that the present petitioner has been falsely implicated in the present case as he was travelling in a Thar and sitting on rear seat. It is further contended that as per prosecution version, the contraband recovered from the vehicle i.e. 255 grams of ‘heroin’ is marginally above than the commercial quantity i.e. 250 grams. The petitioner is in custody for the last more than 2 years and 2 months and is not involved in any other case under NDPS Act. Learned counsel further contended that the trial will take sufficient time to conclude as out of cited 17



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(2)

PWs, only 5 PWs have been examined till date, thus, he prayed for grant of regular bail to the petitioner.

3. Learned State counsel opposes the prayer of learned counsel for the petitioner by submitting that the contraband recovered from the vehicle in which the petitioner was travelling with other co-accused is above the commercial quantity and drug money of Rs.20,000/- was also recovered. It is contended that the petitioner is in custody for the last about 2 years, 2 months and 4 days and he is involved in 2 other cases. Thus, he prayed for dismissal of his bail petition.

4. Heard.

5. Keeping in view the contentions of learned counsel for the parties, and the fact that the petitioner is in custody for the last about 2 years, 2 months and 4 days; contraband recovered from the vehicle in question i.e. 255 grams of 'heroin; is marginally above than the commercial quantity, i.e.250 grams; trial will take sufficient time to conclude as out of total 17 PWs, only 5 PWs have been examined so far, and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial



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Court/Duty Magistrate/Chief Judicial Magistrate concerned, subject to the condition that his presence can be secured during trial.

7. 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.

26.11.2025
Geeta

(SUBHAS MEHLA)
JUDGE

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