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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-35572-2024 (O&M)

Date of decision: 14.01.2025

Ravi Kumar**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rohit, Advocate for Mr. Ramnish Puri, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 of Cr.P.C. seeking regular bail in case arising out of FIR No. 9 dated 12.01.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Nawanshahr, District SBS Nagar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 12.01.2024, the petitioner along with co-accused Sonu Chaurasia, Ramandeep Minhas @ Ramni and Dalbir Singh, while coming in a car bearing registration number PB-02-CC-3965 from Banga side, was apprehended by a police party headed by ASI Jasvir Singh. On search of the said car, a polythene bag containing 300 grams of heroin was recovered. The petitioner and above named co-accused were formally arrested at the spot. After completion of necessary investigation and usual formalities, challan under was presented in the Court on 20.04.2024 and presently, the petitioner

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along with the co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 03.05.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Rather, the contraband allegedly recovered from the petitioner was planted by the police officials. More so, no independent witness was joined at the time of effecting alleged recovery. It is further argued that the mandatory provisions of Sections 42 and 50 of the NDPS Act were also not complied with. The petitioner is in judicial custody since 12.01.2024. Investigation has since been completed and challan has been presented before the Court. Conclusion of the trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner was apprehended by the police party along with other co-accused while they were coming in the aforementioned car and recovery of 300 grams of heroin was effected from him. The quantity of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDSP Act would be attracted against the petitioner. The petitioner has been convicted in a case under the provisions of IPC and one more case under the provisions of IPC is pending against him, which shows

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that he is a criminal minded person and in case, he is released on bail, he may abscond or indulge in similar offences. Trial is going on at a proper pace. No ground has been made out to enlarge him on bail. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner along with above named three co-accused was apprehended by the police party on 12.01.2024, while they were coming in the aforementioned car and recovery of 300 grams of heroin was effected from the dashboard of the car. Since the quantity of the recovered contraband falls under the commercial quantity and the criminal antecedents of the petitioner are not clean, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. As per submissions made by learned State counsel, out of 13 prosecution witnesses, 05 witnesses have already been examined and there is nothing on record to suggest that there would be any undue delay in conclusion of trial. The arguments raised by learned counsel for the petitioner with regard to lacunas in investigation cannot be looked into at this stage as the same is to be decided by the trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of recovered contraband, the criminal antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

14.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No