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

**CRM-M-32621-2025
Decided on : 10.12.2025**

Yuvraj Gambhir alias Vicky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Jasdeep Singh Gill, Addl. A.G., Punjab

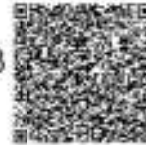
SANJAY VASHISTH, J. (ORAL)

1. Petitioner- Yuvraj Gambhir alias Vicky, aged 46 years, has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 16 dated 26.01.2024, registered under Section 22 of NDPS Act at Police Station Garhshankar, District Hoshiarpur, Punjab.

2. As per FIR, allegation against the petitioner is that, from the right pocket of the jacket worn by him, in a polybag, 15 intoxicant injections Buprenorphine Injection IP 0.3 mg/2 ml. were recovered.

3. Learned counsel for the petitioner contends that petitioner is of the age of 46 years, and was never found indulged in any other similar activity, punishable under the NDPS Act. He further submits that, false recovery has been planted against him, whereas nothing was found recovered in his possession.

Petitioner is inside jail since 26.01.2024, and despite suffering the long



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incarceration, the trial Court is not proceeding with the required pace for conducting trial. For substantiating his plea, counsel refers to the zimni orders appended with the petition for showing that, maximum number of times, none of the prosecution witness was not even present before the Court to depose in the case. Out of 10 prosecution witnesses only, 02 prosecution witnesses have been examined and 02 prosecution witnesses have been given up by the prosecution. Thus, prays for grant of regular bail.

4. On the other hand, learned State counsel refers to paragraph No. 7 of the status report dated 19.08.2025, and submits that the petitioner was found involved in 10 other cases, however, accepts that all the earlier cases were/are under the Excise Act and petitioner was never found involved in any NDPS case. Thus, prays for dismissal of the present petition.

5. I have considered the submissions addressed by learned counsel for the parties and also gone through the record including the status report alongwith custody certificate produced before this Court. Undisputedly, the petitioner is of the age of 46 years and is found involved in case punishable under the NDPS Act for the first time. From the details given in the status report, it is also noticed that in many of the Excise Act cases, the petitioner has already been acquitted, though in some of the cases found guilty also. For reference the description given in the status report is reproduced as under:

(i) *FIR No. 227 dated 02.12.2018 under Section 61.1.14 Excise Act was registered at PS Garshankar, District Hoshiarpur against the petitioner and the petitioner was **acquitted in this case** on 13.03.2023.*

(ii) *FIR No. 109 dated 27.05.2018 under section 61.1.14 Excise Act was registered at PS Garshankar, District Hoshiarpur against the*



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*petitioner and the petitioner was **acquitted in this case** on 01.05.2023.*

*(iii) FIR No. 15 dated 16.01.2018 under section 61.1.14 Excise Act was registered at PS Garshankar, District Hoshiarpur against the petitioner and the petitioner was **convicted in this case** on 18.11.2019.*

*(iv) FIR No. 84 dated 10.05.2017 under section 61.1.14 Excise Act was registered at PS Garshankar, District Hoshiarpur against the petitioner and the petitioner was **acquitted in this case** on 23.10.2019.*

*(v) FIR no. 56 dated 09.04.2017 under section 61.1.14 Excise Act was registered at PS Garshankar, District Hoshiarpur against the petitioner and the petitioner was **acquitted in this case** on 09.10.2019.*

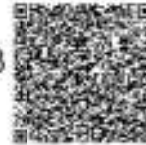
*(vi) FIR no. 127 dated 21.07.2017 under section 61.1.14 Excise Act was registered at PS Garshankar, District Hoshiarpur against the petitioner and the petitioner was **acquitted in this case** on 11.09.2019.*

*(vii) FIR no. 156 dated 11.09.2017 under section 61.1.14 Excise Act was registered at PS Garshankar, District Hoshiarpur against the petitioner and the petitioner was **convicted in this case** on 18.04.2019.*

*(viii) FIR no. 29 dated 03.02.2018 under section 61.1.14 Excise Act was registered at PS Garshankar, District Hoshiarpur against the petitioner and the petitioner was **convicted in this case** on 16.05.2023.*

*(ix) FIR no. 122 dated 18.06.2018 under section 61.1.14 Excise Act was registered at PS Garshankar, District Hoshiarpur against the petitioner and the petitioner was **convicted in this case** on 22.12.2021.*

(x) FIR no. 57 dated 23.06.2019 under section 61.1.14 Excise Act was registered at PS Kathgar, against the petitioner.

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6. In the present case, the petitioner is inside jail for the last 01 year, 02 months and 04 days period and no other case under the NDPS Act was ever found registered against him. The conclusion of trial is likely to take considerable time. The recovered contraband is 15 injections which comes to 30 ml. in total, the maximum of non-commercial quantity i.e. 20 ml..

7. Therefore, 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.

8. However, it is clarified in case the petitioner is found indulged in any manner with the tempering of evidence alone or in connivance with other accused, he will have to face the consequences and may be the bail concession is withdrawn on the asking of the prosecution.

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

10. 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.

11. Petition stands disposed of.

December 10, 2025

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**(SANJAY VASHISTH)
JUDGE**Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO