



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33148-2025
Decided on : 26.11.2025

MANOJ KUMAR @ MOJI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. Bareen Pratap Singh, AAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Manoj Kumar @ Moji	28	26.01.2025	21-C/27/61/85 of NDPS Act	STF Wing	Mohali

2. After hearing the submissions advanced by counsel for the petitioner, on 23.09.2025, following order was passed by this Court:-

- “1. Present petition has been filed by the petitioner, seeking grant of regular bail in case bearing FIR No.28, dated 26.01.2025, under Section(s) 21-C/27/61/85 of NDPS Act, registered at Police Station STF Wing, District Mohali.
2. Case of the prosecution is that the petitioner, while travelling in an Innova car, bearing registration No.PB 05P 8558 along with his co-



accused Sukhvir Singh @ Sukhi (who was driving the vehicle), was apprehended by the police. Upon search, 340 grams of heroin was allegedly recovered from the pocket of the trousers worn by Sukhvir Singh @ Sukhi.

3. *Counsel for the petitioner contends that no recovery was made from the petitioner's possession and the contraband was found solely from the co-accused, who was in full control of the vehicle at the relevant time. It is, therefore, argued that petitioner cannot be said to have had any conscious possession or knowledge of the contraband.*

Further submits that petitioner, aged about 38 years, has no previous involvement in any case under the NDPS Act, although he is a convict and facing trial in several other cases under the IPC/BNS. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

4. *On the other hand, learned State counsel has filed status report dated 13.09.2025, in the Court today and the same is taken on record.*

5. *By referring to paragraph No.8 of the status report, learned State counsel points out that petitioner is involved in 17 other criminal cases, out of which convictions have already been recorded in 13 cases.*

6. *List again on 18.11.2025.*

7. *Let an affidavit be filed by the concerned Investigating Officer, clarifying whether the mobile phones of both the accused were recovered. If so, the affidavit shall also specify the SIM numbers associated with those mobile phones and provide details of their tower location at the time of recovery from the particular spot."*

3. Today, learned State counsel has filed status report dated 24.11.2025 in the Court today and the same is taken on record. Registry is directed to tag the same at the appropriate place on the file.

4. While replying to the specific query raised by this Court and addressed in paragraph No.8 of the status report, it has been explained that *"no mobile phone or any SIM card/number were recovered from the present petitioner and co-accused, namely Sukhbir Singh @ Sukhi."*



5. Learned State counsel further submits that petitioner is a habitual offender, having been involved in 17 other cases, out of which he has been convicted in 13 cases; however, status report does not provide details regarding the nature of these cases.

6. On being asked by the Court, it is informed that although investigation in the case has been completed and *challan* has been submitted, process of recording of the statements of witnesses is yet to commence. Petitioner is inside jail since 26.01.2025, i.e. a period of approximately 10 months.

7. As per the allegations, 340 grams of heroin were recovered from the pocket of the trousers worn by the petitioner's co-accused, Sukhvir Singh @ Sukhi.

8. It is an admitted position by the prosecution that nothing was recovered from the petitioner's possession. However, there is an allegation that petitioner accompanied the main accused at the time of the alleged recovery. Consequently, a key question for the trial court would be, as to whether the petitioner had any conscious possession/advance knowledge about the contraband found in the co-accused's pocket, or not.

9. Considering that petitioner is in custody since 26.01.2025 and recording of statements of the witnesses has not yet commenced, and given that trial is likely to take a considerable amount of time, this Court, in view of the totality of circumstances, nature of the allegations, and the factors noticed above, deems it appropriate to grant concession of bail to the petitioner in the present case.



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10. 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.

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

12. 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.

13. 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.

14. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

26.11.2025

Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO