

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33211-2025 (O&M)

Date of Decision: 11.07.2025

Ravi Kumar

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. MK Panchal, Advocate for the petitioner

Mr. Rajiv Verma, Sr.DAG Punjab

Sandeep Moudgil, J.

Relief claimed

(1). This petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the petitioner in case FIR No.103 dated 01.09.2024 under Sections 18/29/61/85 of Narcotic Drugs and Psychotropic Substance Act, 1985 (in short, the NDPS Act) registered at Police Station IT City Mohali.

Facts

(2). Facts as emerging in the FIR is reproduced as under:-

“SHO Police Station IT City, "Jai Hind" today 1, SI along with ASI Gurdeep Singh 1367/SAS, ASI Karanvir Singh 2278/SAS, HC Harpreet Singh 1178/SAS, C2 Jagjit Singh 2148/SAS, C2 Rajbir Singh 2070/SAS, S/CT Daljit Singh 896/SAS riding in government vehicle number PB65-AH-3661 and private vehicle along with laptop, printer and investigation kit were patrolling in village Kambala in connection with checking suspicious vehicles and bad men. Then at around 09:30 PM that SI's vehicle was stopped by the informer and informed that Ravi Kumar son of Ratan Lal resident of village Jhankra Police Station Bilari District Moradabad, U.P. Age about 29 years, Vishnu son of Ramvir resident of Village TherelaMustkil, police station Khajli district Bareilly age about 26 years and Varjesh son of Ramvir resident of Thorela Mustkil, Police Station Thorela, District Bareilly U.P. age about 35

years if they bring a large quantity of opium from UP/Jharkhand and supply it to Punjab on a large scale which these three have earlier brought many consignments of opium from UP/Jharkhand and supplied it to Punjab. These three are living in a rented room in front of the first floor of the PG of Praveen Rana near Government School in Kambala village. If a raid is conducted at the address of Kambala village given by the informant, the said three persons can be arrested along with a large quantity of opium. By doing so, the said persons have committed crime under Section 18/29-61-85 of the NDPS Act. The case is being sent for registration to the police station through S/CT Daljit Singh 896, where the case is being registered. After registration the case, case number be intimated. The Gazetted Officer should be sent on the spot. Control room be informed. Special reports should be issued. I, SI along with fellow employees departed for raid near Government School at Praveen PG village Kambala. Jurisdiction: Near junk shop village Kambala Time: 10:15 P.M. Sd/ Reena CIA Staff District SAS Nagar Dated 01-09-2024. Upon receipt at the police station, the above case under above offence registered against Ravi Kumar son of Ratan Lal resident of village Jhankra, police station Bilari, district Moradabad, UP. Age about 29 years, Vishnu son of Ramvir resident of village BorolaMustaqil, Police Station Siroli, district Bareilly Age About 26 years and Varjesh son of Ramvir resident of BorelaMustakil, Police Station Siroli, District Bareilly, U.P., age about 35 years, registered and after visiting detailed investigation completed. Copy of FIR as Special Report is being sent to the service of Ilaqa Magistrate and Officers by hand through Rajinder Singh No. 527/SAS Nagar. Original RUKA along with copy of FIR sent by hand S/CT Daljit Singh 896/S.A.S. Nagar to S.I. Reena No. 135/RR for further investigation. Head Munshi instructed to complete the record.”

Submissions of the petitioner

(3). Learned counsel for the petitioner contends that the instant FIR was registered pursuant to the information provided by one secret informer, by the police official of Police Station IT City, Mohali against the petitioner just to harass him, and as per the allegation, the petitioner-Ravi was apprehended with the co-accused persons by the police on 01.09.2024 from his room and is in custody since then. He submits that there is nothing to be recovered from the

petitioner. It is further argued that in the present case, the prosecution, despite having availed two opportunities, has still not examined the prosecution witnesses and as such, the conclusion of trial is going to take time.

Stand of the State

(4). Learned State counsel has filed the custody certificate dated 10.07.2025 which is taken on record, according to which, the petitioner has undergone 10 months and 5 days of custody. He submits that pursuant to submission of challan on 25.02.2025, charges have been framed on 07.03.2025 and out of total 14 PWs only one prosecution witness has been examined till date. He submits that the petitioner has been involved in serious offence and there is apprehension that he may abscond or influence the witnesses since trial proceedings are going on.

Analysis

(5). Heard learned counsel for the parties.

(6). As per the prosecution version, petitioner Ravi Kumar and co-accused were arrested on the spot and 4.5 kg of Opium was recovered from their conscious possession, which was kept concealed in a bag, which was lying in between all three accused from their room. It is noteworthy that the commercial quantity of Opium is 2.5 Kg and above and since, the recovered contraband is of 4.5 Kg of Opium from possession of the petitioner which definitely falls within commercial quantity as provided at Sr.No.92 of the table annexed with the Act. That apart, the recovered contraband falls within category of commercial quantity and thus, provisions of Section 37 of NDPS Act are squarely attracted. At this preliminary stage, the court finds no reason to believe the petitioner was not involved in the case, given the implications of

Section 37 of the NDPS Act. The petitioner is accused of possessing 4.5 kg of opium, which exceeds the commercial quantity threshold of 2.5 kg, making it a serious offense under the Act.

(7). In view the above discussion and without commenting on the merits of the present case, the present petition stands dismissed.

11.07.2025
V.Vishal

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No