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

CRM-M-38553-2025

Date of decision :25.07.2025

Ravi Kumar**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Abhaysher Singh, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.121 dated 18.05.2025, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Fazilka, Fazilka.

2. Succinctly the facts of the case are that the police party while on patrolling on 18.05.2025, when reached near Seminala Bridge Karni Khera, they saw a boy coming on foot from the side of Karni her. On seeing the police, he got perplexed and suddenly turned left and threw a polythene bag on the ground which he was holding in his hand. On suspicion, he was stopped. On asking, he disclosed his name as Ravi Kumar (present petition). He was suspected to be carrying some contraband in the bag which was thrown and thus, the search was conducted. The bag thrown by him was found to be containing 10 grams of heroin. He failed to produce any licence regarding the possession of the same and thus, he was arrested on the spot. On registration of FIR,



investigation commenced. Samples taken from the contraband were sent to FSL. The petitioner approached the learned Judge, Special Court, Fazilka for grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court, Fazilka vide order dated 20.06.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case on the basis of secret information. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the recovery was effected from the person of the petitioner where compliance of Section 50 of NDPS Act, is mandatory, however, there is violation of the same as well. He submits that the alleged recovery, even otherwise, is marginally above the small quantity. He submits though the petitioner is involved in some other cases, however, he has been roped in other cases on the basis of disclosure statement of the co-accused and he is on bail in those cases. He submits that provisions of Section 37 of NDPS Act, are not attracted in the present case. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that it was a chance recovery and 10 grams of heroin was recovered from the packet which was thrown by the petitioner on the ground. He submits that the petitioner is a habitual offender. He submits that investigation is completed, however, charges are yet to be framed. He has produced the custody certificate of the petitioner on record.



5. On hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner is 10 grams of heroin which is admittedly a non-commercial quantity. The investigation already stands completed. As per custody certificate, the petitioner has suffered an incarceration of 02 months and 03 days as on 24.07.2025. Though the petitioner is involved in other cases, however, he is on bail in those cases.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.

25.07.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No