



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

(220)

CRM-M-40728-2025

DATE OF DECISION: 26.11.2025

Bobby @ Billa

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Tushar Sharma, Advocate, for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.18 dated 09.03.2025, under Section 21(C) / 61-85 of NDPS Act (Section 111(2)(B)(4) of BNS and Section 29 of NDPS Act added later on), registered at Police Station Majitha Road, District Amritsar (Annexure P-1).

2. Learned counsel for the petitioner contended that the petitioner is falsely involved in this case. He further contended that nothing is recovered from the possession of the petitioner nor it is the allegation of the prosecution that he is the supplier of the contraband. Case against the present petitioner is that co-accused from whose possession contraband is recovered, same is to be supplied to the present petitioner. Except the disclosure statement of the co-accused, which is not admissible in evidence, there is nothing against the petitioner. Investigation has already been completed and no corroborative evidence has been collected by the Investigating Agency during investigation. The present petitioner is in



custody for the last more than 8 months and prayer for release of the petitioner on regular bail has been made.

3. In support of his contentions, learned counsel has placed reliance upon the order passed by Hon'ble Supreme Court in **Crl. Appeal No.4690 of 2025, titled Mangal Yadav versus State of Uttar Pradesh, decided on 31.10.2025** and the order passed by this Court in CRM-M-14129-2025 titled **Parminder Singh versus State of Punjab, decided on 20.03.2025**.

4. Notice of motion.

5. Mr. Sandeep Kumar, DAG, Punjab, accepted the notice on behalf of the respondent-State and filed reply by way of short affidavit of Rajiv Kumar Arora, Superintendent, Central Jail, Amritsar; report of medical condition of the present petitioner and custody certificate of the petitioner, same are taken on record. Learned State counsel vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that his name has been surfaced on the basis of disclosure statement and he was the prospective purchaser of the contraband recovered from co-accused.

6. On Court query, learned State counsel, on instructions from ASI Tarsem Singh, fairly admits that except the disclosure statement, no evidence with the prosecution i.e in the form of CDR or any transaction of money, is available on record. Regarding stage of trial, the charges are yet to be framed in this case.

7. Heard.

8. Keeping in view the facts and circumstances of the case and the allegations against the present petitioner that he is the prospective purchaser of the contraband which is recovered from the co-accused, there is no other



evidence against the present petitioner other than the disclosure statement, no supportive evidence is available on record; the present petitioner is in custody and charges are yet to be framed; the investigation qua the present petitioner has already been completed; there is no material on record to show that he is involved in some other case except the present one as admitted by learned State counsel; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. Nothing observed hereinabove shall be construed to be an expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

26.11.2025
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No