



CRM-M-40634-2025

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

240

**CRM-M-40634-2025
Decided on :04.08.2025**

Abhishek Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

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

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Abhishek Kumar, aged 18 years has filed the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking regular bail in case FIR No. 103 dated 10.04.2025, registered under Sections 21, 27-A, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) at Police Station Civil Lines, Batala, Police District Batala.

2. Learned counsel for the petitioner submits that the quantity allegedly recovered from the petitioner is 5 grams of heroin, which falls within the definition of “small quantity” under the NDPS Act. It is further submitted that the petitioner is in custody for more than three months,



and the question of conscious possession is yet to be adjudicated during trial. Therefore, counsel prays for the grant of concession of regular bail.

3. On the other hand, while acknowledging that the petitioner is in custody for more than three months, learned State counsel opposes the plea of bail, submitting that the investigation is still ongoing and the petitioner's role in the illicit trafficking of narcotic substances is under active scrutiny. It is also submitted that the petitioner was previously involved in another case under the NDPS Act, wherein 2 grams of heroin was recovered from him. However, it is conceded that the petitioner is currently on bail in that case.

4. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that petitioner, aged 18 years, is in custody for a period exceeding three months. The alleged recovery from the petitioner is 5 grams of heroin, which falls under the category of 'small quantity' as defined under the NDPS Act. The issue whether the petitioner was in conscious possession of the contraband is a matter to be determined during the course of trial and cannot be conclusively presumed at this stage.

While the State has submitted that the investigation is ongoing and that the petitioner's role in illicit trafficking is under scrutiny, it is not disputed that the petitioner is already on bail in a previous NDPS case involving recovery of 2 grams of heroin. Therefore, considering the totality of circumstances, including the small quantity of contraband involved, petitioner's young age, and the stage of

**CRM-M-40634-2025****3**

investigation, this Court finds merit in the petitioner's prayer for regular bail.

5. 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Any of the discussion done and recorded hereabove, 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.

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

04.08.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*