



CRM-M-41784-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.243

Case No. : CRM-M-41784-2025

Decided On : October 29, 2025

Sunil Kumar Petitioner
vs.
State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Saurav Kanojia, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

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SUKHVINDER KAUR, J. :

Prayer in the present petition, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of regular bail to the petitioner in FIR No.304 dated 29.06.2023, under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act) and Section 52-A(1) of the Prisons (Punjab Amendment) Act, 2011 (Section 29 of the NDPS Act added later on), registered at Police Station Division No.7, District Ludhiana.

Brief facts of the case are that the aforesaid FIR was registered on the basis of information received from SI Harbans Singh, Jail Superintendent, Ludhiana, wherein it was stated that on 29.06.2023 at about 04:50 PM, a special raid was conducted inside the Central Jail, Ludhiana by a search team, where the petitioner was lodged. On seeing the search party, the petitioner tried to escape but was caught on the spot and 450 orange



coloured pills, wrapped in a transparent envelope, were recovered from him. One Samsung black coloured mobile phone was also recovered from the petitioner, which was tied to his left leg. During questioning, the petitioner disclosed that the recovered tablets belonged to one Piyush Arora, who was in the same jail in another FIR under the NDPS Act and was in custody since 13.07.2021. With the aforesaid allegations, the FIR in hand was registered against the petitioner and Piyush Arora.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and he has been made scapegoat by planting the recovery of contraband upon him, as the petitioner was having enmity with the Jail Superintendent. The petitioner was already in judicial custody/behind the bars on the date of alleged recovery. So, he could not have been involved in the alleged recovery in any manner. He urged that the prosecution has violated the mandatory and directive provisions of the NDPS Act, causing a dent in the prosecution story. No independent witness had been joined by the investigating agency. Challan has already been presented and conclusion of trial is likely to take sufficiently long time and prayed that relief of regular bail be granted to the petitioner.

Per Contra, learned State counsel has opposed the present bail petition while contending that the petitioner was found indulging in illegal activities inside the jail premises. During a special raid, 450 intoxicant tablets were recovered from his possession along with a mobile phone, which are prohibited articles. The petitioner is also involved in two other FIRs. Learned State counsel further contended that since commercial



quantity of contraband has been recovered from the possession of the petitioner, he does not deserve concession of bail by the Court.

Heard.

In the present case, the alleged recovery of 450 intoxicant tablets had been effected from the petitioner when he was lodged in Central Jail, Ludhiana. The said tablets had been kept by him in a transparent envelope in the right pocket of his lower. As per the FSL Report, it falls within the commercial quantity. One mobile phone was also recovered from him which was tied to his leg. As the recovery of the intoxicant tablets, allegedly recovered from the petitioner, falls within the commercial quantity, it attracts the rigors of Section 37 of the NDPS Act. The other contentions raised by learned counsel for the petitioner regarding violation of mandatory and directory provision of NDPS Act is a matter of trial.

Thus, keeping in view the facts and circumstances of the present case, it is not a fit case, where the petitioner is to be granted concession of regular bail. Accordingly, the present petition stands dismissed.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

Pending application(s), if any, shall stand disposed of along with the present petition.

October 29, 2025

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(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.

