

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:124661



(223) CRM-M-42651-2025
Date of Decision: 10.09.2025

Nilesh Kumar Keshari @ Nilesh Kumar
@ Arun @ Mani --Petitioner
Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present:- Mr. I.S. Kooner, Advocate for the petitioner.
Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH.J (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of petitioner	FIR No.	Date	Section(s)	Police Station	District
Nilesh Kumar Keshari @ Nilesh Kumar @ Arun @ Mani	126	16.04.2024	18 of NDPS Act (Sections 177, 419 IPC added later on, however charges framed under Section 18 of NDPS Act and Section 177 IPC.	Zirakpur	SAS Nagar

2. Recovery in the instant petition is of 3 kgs of opium from the possession of the petitioner Nilesh Kumar. Petitioner is stated to be inside jail since 01.04.2024 and he being young person of 24 years of age is not even indulged in any other case under the NDPS Act.

3. Learned counsel for the petitioner contends that in fact the quantity recovered is marginally above the maximum of non-commercial quantity i.e. 2.5 kgs. It is further submitted that the petitioner is not alleged to be involved in any other case of similar nature, as no other case stands registered against him under the NDPS Act. Besides, he is a young boy of 24 years, with his entire career ahead of him, and ought to be given an opportunity to rehabilitate himself. The petitioner has undergone incarceration for a period of about 01 year, 04 months and 21 days, and no useful purpose would be served by keeping him in custody for an indefinite period during trial. It is further argued that, considering his young age, prolonged detention in jail may expose him to hardened criminals, which would be detrimental to his future prospects. Accordingly, learned counsel prays for the grant of concession of regular bail to the petitioner.

4. On the other hand, while vehemently opposing the prayer of bail, learned State counsel submits that keeping in view the nature of offence, he does not deserve concession of bail. Custody certificate of the petitioner produced by learned State counsel reveals that he is inside jail for the last 01 year and 04 months and 21 days and is not stated to be indulged in any other case under the NDPS Act. However, learned State counsel though does not dispute the factual position, as explained by the petitioner's counsel here-above.

5. I have heard learned counsel for the parties and perused the relevant material available on record.

6. While considering the plea of bail, this Court is conscious of the fact of recovery of narcotic contraband from the petitioner, which is 500 grams more than the maximum of commercial quantity. However, this Court also cannot overlook other factual aspects, such as; the young age of the petitioner, his first-time involvement in a case under the NDPS Act, the total period of incarceration already undergone, as well as the potential risk of his coming into contact with hardened criminals in the eventuality of prolonged detention. Moreover, charges in the present case are yet to be framed. Therefore, this Court deems it appropriate to consider the plea of bail of the petitioner.

7. 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

10.09.2025
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(SANJAY VASHISTH)
JUDGE

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