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Sr. No.242

Decided On : November 06, 2025

VS.

State of Punjab Respondent

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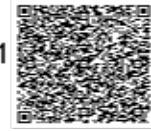
Mr. Amrit Pal Singh Gill, DAG, Punjab.

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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 case FIR No.94 dated 07.06.2025, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act) (Section 29 NDPS Act added later on), registered at Police Station Garhshankar, District Hoshiarpur.

As per prosecution case, upon the secret information, house of co-accused Amrik Singh @ Mika was raided by the police party and co-accused namely Paramjeet Singh @ Shani was apprehended at the said house. The other two accused persons i.e. Amrik Singh @ Mika and Harmesh Kumar @ Lala allegedly fled from the spot. On search of the house, 38 grams of heroin was found from the shelf of the cupboard in a



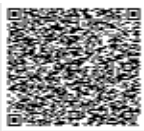
room. During investigation, aforesaid Paramjeet Singh @ Shani disclosed that the recovered heroin belonged to Harmesh Kumar @ Lala (petitioner) and Amrik Singh. The petitioner was nominated as an accused in the present case on the basis of disclosure statement of the said co-accused.

Learned counsel for the petitioner contended that no recovery had been effected from the petitioner and he is not connected with the offence in the present case. The petitioner has been falsely implicated in the present case only on the basis of disclosure statement of aforesaid co-accused, which is not admissible in law. The alleged recovery had already been made, which does not fall under the commercial quantity. The petitioner is in custody since long and conclusion of trial is likely to take considerable time. Therefore, it has been prayed that the petitioner be granted concession of regular bail.

Learned State counsel opposed the present petition and submitted that there is specific allegation against the petitioner that he, along with his co-accused, had indulged in supply of heroin and the recovered heroin belonged to him. The petitioner was specifically named in the disclosure statement of co-accused and as such he is not entitled to the concession of bail.

I have heard the learned counsel for the parties and have also gone through the case file.

As per the disclosure statement of co-accused Paramjeet Singh @ Shani, the recovered heroin from house of Amrik Singh belonged to Harmesh Kumar @ Lala (petitioner) and Amrik Singh. The alleged



recovered 38 grams of heroin falls under the intermediate/non-commercial quantity. No other material, except the disclosure statement of co-accused, has been placed on record to connect the petitioner with the alleged offence in question.

As per the Custody Certificate dated 04.11.2025, which has been placed on record, the petitioner has already undergone custody of 04 months and 23 days. Trial of the case is going on. Complicity of the petitioner is a matter of trial, conclusion whereof is likely to take considerable time. So, no useful purpose would be served by further detaining the petitioner behind the bars.

Accordingly, the present petition is allowed and the petitioner is ordered to be admitted on regular bail, on furnishing adequate bail bonds and surety bonds, to the satisfaction of concerned learned Trial Judge/Chief Judicial Magistrate/Duty Magistrate.

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.

November 06, 2025
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(SUKHVINDER KAUR)
JUDGE

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