

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-44812-2025
Date of decision: 22.08.2025

AMIT BANSAL @ SUNIL....Petitioner

Versus

STATE OF PUNJAB...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Kushagra Mahajan, 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(s)	FIR No.	Date	Section(s)	Police Station	District
Amit Bansal @ Sunil	22	21.01.2025	309(4), 191(3), 190, BNS and Sections 21-C, 25, 27-A, 29 NDPS Act	Anti Narcotics Task Force (STF)	SAS Nagar

2. To understand the involvement of the accused and recoveries effected from them, relevant facts are noticed from the order dated 12.05.2025, passed by the Co-ordinate Bench of this Court in CRM-M-16156-2025.

3. (i) (1) Harjinder Singh @ Ajay and (2) Harmanjeet Singh @ Harry were arrested on 22.01.2025 and alleged recovery of 263 grams heroin alongwith Rs. 5,60,000/- (drug money) was effected from Scooter (Activa), on which they were travelling.



- (ii) During investigation, on the basis of disclosure made by above accused, four other persons were nominated in this case and which are as under:
- 1) Harminder Singh @ Harry;
 - 2) Tanush Setia;
 - 3) Saurav Mahajan; and
 - 4) Harbhej Singh @ Bheja.
- (iii) Above Tanush Setia was arrested on 22.01.2025 and during investigation, alleged drug money to the tune of Rs. 23,00,000/- was recovered from him.
- (iv) On the same day, Harminder Singh @ Harry and Saurav Mahajan were arrested and alleged recovery of Rs. 24,50,000/- alongwith currency counting machine, one Motorcycle Make 'Bullet' and a car was effected from them.
- (v) On 23.01.2025, above Harminder Singh @ Harry nominated two other persons i.e. (1) Vinod Kumar @ Nona and (2) Harish Kumar @ Hari.
- (vi) On 24.01.2025, above said Harmanjeet Singh @ Harry nominated two other persons viz:
- a) Sagar from whom Activa Scooter and Rs.5,00,000/- were allegedly recovered;
 - b) Lovedeep Singh @ Lala from whom 160 grams heroin is alleged to have been recovered.
- (vii) On 17.03.2025, after receipt of some other secret information, one Sunil @ Amit Bansal (**petitioner herein**) as well as Ashok Kumar Sharma were nominated and on 18.03.2025, alleged recovery of 20,000 Euro, 10,000 British Pound and 10,020 Canadian Dollars was effected from his residence at Phagwara.
- (viii) On 18.03.2025, petitioner allegedly nominated five other persons i.e. (1) Vipin Sidana, (2) Rajesh Kumar @ Bobby, (3) Manoj Sharma @ Goga (brother of petitioner), (4) Rajnish @ Buntty (another brother of petitioner) and (5) Sahil Preet.
- (ix) In this way, as on today, there are total 17 accused arraigned in the



present case.

4. Learned counsel for the petitioner contends that after registration of the case on 17.03.2025, on the basis of secret information name of the petitioner i.e. Amit Bansal @ Sunil was involved in the case along with co-accused Ashok Kumar Sharma. Certain recoveries, as mentioned in foregoing para No.5(vii) were effected from the residence of co-accused Ashok Kumar Sharma at Phagwara.

Nothing was recovered from possession of petitioner, however, petitioner was working in the office of the said co-accused Ashok Kumar Sharma, who has already been declared innocent and presently, he is out of jail.

5. Petitioner's counsel points out that on conducting the chemical examination, the recovered heroin of 263 grams was not actually found to be heroin and this fact has been admitted by respondent-State in para 20 of the said status report, wherein it is mentioned that the content of the Diacetylmorphine (heroin) could not be deducted in the content of the envelope. For reference para No.20 of the said status report is reproduced hereasunder:-

“That thereafter, another drug sample was sent to FSL for chemical examination and the report No. 178/2025/Toxi/RTFSL/ASR/PB dated 12.05.2025 was received and upon analyzing the same it was found by the board of doctors those who have chemical examined the aforesaid drug sample, it was analyzed that the content of the "Diacetylmorphine (Heroin) could not be deducted in the content of the envelope. However, Dextmethorphan has been found present in the content of the envelope.”

6. Additionally it is also argued that neither any narcotic drugs or contraband has been recovered from the petitioner mentioned here-above, nor there is any evidence collected during investigation, creating any connectivity of the recovered cash amount with the narcotic/drug business. Qua one of the



accused, i.e., Ashok Kumar Sharma, proceedings have already been quashed, by declaring his arrest as illegal, vide order dated 12.05.2025, passed in CRM-M-16156-2025.

7. One of the accused namely Vinod Kumar, whose name was also disclosed in the disclosure statement of co-accused, nothing was recovered from him and he has also been granted the concession of bail by this Court in CRM-M-22621-2025, vide order dated 25.07.2025.

8. On the other hand, learned State counsel is unable to controvert any of the factual submissions apprised by petitioner's counsel or even nothing has been highlighted to show that the documents referred by the petitioner's counsel are not applicable for considering the plea of bail of the petitioner.

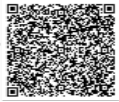
The investigation *qua* all of the accused is complete and thereupon final report was submitted on 18.07.2025 and the process of recording of statement is yet to start.

9. After hearing learned counsel for the parties and perusing the relevant material on record and the documents appended, including the earlier orders passed by this Court.

10. *Prima facie*, it appears that it will be heavily upon the prosecution firstly to prove that the contraband recovered in the case (allegedly heroin) is covered under the NDPS Act.

Admittedly, neither any drug nor any narcotic contraband has been recovered from the petitioner, who is seeking bail through the instant petition. The recovered cash amount and other evidences are yet to be linked with the drug/narcotic business.

11. Taking into consideration the circumstances, facts/allegations levelled against the petitioner, and the factors noticed here-above, I deem it



appropriate to grant the concession of bail to the petitioner.

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.

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

13. Any of the discussion done and recorded here-above, 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.

14. Petition stands **disposed of** accordingly.

Misc. application(s), if any, also stand disposed of.

22.08.2025
Vishal Vardhan

(SANJAY VASHISTH)
JUDGE

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