



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-46080-2025 (O&M)

Date of decision: 29.09.2025

Jog Raj @ Yograj

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Madhur Singh, Advocate for the petitioner(s)
(Legal Aid Counsel).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant second petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail to the petitioner(s) in FIR bearing No.217 dated 20.09.2023, registered under Section(s) 21, 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Mahilpur, District Hoshiarpur. The earlier petition was dismissed as withdrawn vide order dated 20.03.2024 passed by this Court in CRM-M-13345-2024.

2. Briefly summarized, the facts of the present case are that on 20.09.2023, Police party was conducting special patrolling of all vehicles. During checking, the petitioner was apprehended who was riding a motorcycle and was coming from Behram side. On his search, a transparent heavy polythene packet was found in the right pocket of his *pyjama* from which 50 grams of *heroin* was recovered whereas a total of 19



Buprenorphine injections I.P. 0.3 mg/2ml were recovered from the left pocket of his *pyjama*.

3. Learned counsel for the petitioner contends that as per the case of the prosecution, the petitioner was apprehended by the Police alongwith motorcycle bearing registration No.PB-07CB-3248 and recovery of 50 grams of *Heroin* alongwith 19 injections of Buprenorphine IP 0.3 MG/2ML was effected from his possession. He contends that the petitioner has been in custody since 20.09.2023 and has undergone an actual custody of 02 years and 06 days. He submits that the prosecution witnesses are not appearing despite issuance of non-bailable warrants and that now an application under Section 311 Cr.P.C. has been moved on the last date of hearing i.e. 22.09.2025. He further contends that the trial is not likely to conclude in near future.

4. Learned counsel for respondent-State, on the other hand, contends that the petitioner has a history of criminal case(s) under the NDPS Act and that after being granted the concession of regular bail in the said case(s), he had indulged in commission of further offences. He does not dispute that the recovery pertains to intermediate quantity and the petitioner has been granted the concession of regular bail in other cases. It is also not in dispute that the petitioner has undergone an actual custody of more than 02 years. He further contends that the trial is likely to take a long time in its conclusion.

5. Considering that despite issuance of non-bailable warrants, only one prosecution witness has been examined so far and an application under



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Section 311 Cr.P.C. for re-examination of the witness has already been moved before the trial Court and the trial would take a long time in its conclusion and the actual custody undergone by the petitioner and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

29.09.2025

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No