



CRM-M-46845-2025

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

216

CRM-M-46845-2025
Decided on :29.08.2025

Amrit Verma

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pragyat Bhardwaj, Advocate for the petitioner.

Mr. Jasdeep Singh, Addl. A.G., Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No. 108 dated 22.08.2024, under Sections 22, 27, 29, 61 and 85 of NDPS Act, registered at Police Station Urban State Patiala.

2. As per the allegations in the FIR, while the police patrolling team had established a naka and were conducting checks of incoming and outgoing vehicles, a motorcycle bearing registration No. PB-11-BV-8002, make Splendor, was noticed. Petitioner was pillion rider on the said motorcycle, which was being driven by co-accused, Hemantpreet Singh. Police also observed a black-colored bag placed between the two riders. Upon signalling the motorcycle to stop, co-accused immediately turned

**CRM-M-46845-2025****2**

the motorcycle sharply to the left, causing it to skid and collide with a wall. As a result, both Hemantpreet Singh and petitioner fell onto the road. In their attempt to flee from the spot, both were apprehended. Upon search, 870 tablets of Plus Parvion Spas containing salt tramadol were recovered from the polythene bag lying between them on the motorcycle.

3. Mr. Pragyat Bhardwaj, Advocate for the petitioner, contends that the primary question involved in the present case is whether the petitioner had conscious possession or not of the contraband allegedly found between the two accused while they were riding the motorcycle. Counsel argues that even the prosecution's version is improbable, as it is difficult to believe that the bag could have remained balanced on the seat of the motorcycle between two riders while it was in motion, without active management. Further, any allegations, if at all sustainable, can only be made against co-accused who was driving the motorcycle, as he is the one who turned the vehicle abruptly upon seeing the police, whereas no overt act implicating the petitioner was observed by the police team.

Counsel submits that the petitioner is in custody since 22.08.2024 and, being a young individual aged 24 years with a clean antecedent record and no prior involvement in any criminal activity, prays for grant of concession of regular bail to enable the petitioner to rehabilitate himself in society.

4. On the other hand, learned State counsel submits that the quantity of contraband recovered in the present case is commercial in

**CRM-M-46845-2025****3**

nature. The plea advanced by the petitioner, that he did not have conscious possession of the contraband and, if at all, the allegations apply only to the co-accused, cannot be considered at this stage, as the grant of bail is a discretionary and concessional relief cannot be allowed merely on the basis of such contentions without full appreciation of the evidence.

However, learned State counsel concedes that petitioner is in judicial custody since 22.08.2024, having undergone incarceration for a period exceeding one year. It is further submitted that out of a total of 12 prosecution witnesses, only 01 has been examined, 01 has been given up, and 10 prosecution witnesses remain to be examined.

5. Heard learned counsel for the parties and perused the petition. Petitioner is a young individual, aged 24 years, with clean antecedents and no history of involvement in any other offence punishable under the NDPS Act. In these circumstances, the plea for bail deserves serious consideration.

Moreover, petitioner has already undergone incarceration for a period exceeding one year. Out of a total of 12 prosecution witnesses, only one has been examined so far, and the conclusion of the trial is likely to take considerable time. Prolonged pre-trial detention, without the trial reaching its conclusion, would adversely affect the petitioner's liberty and rehabilitation prospects.

The nature of the offence and the quantity of contraband recovered being commercial, the allegations against petitioner require

**CRM-M-46845-2025****4**

thorough scrutiny during the trial. However, considering petitioner's age, clean antecedents, and the fact that the trial is still at an early stage, continued detention does not appear to be necessary.

In view of the totality of these circumstances, as highlighted above, this Court is of the considered opinion that a case for grant of bail is made out.

6. 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, 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.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

29.08.2025*Rashmi*

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