



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

261

CRM-M-50629-2024 (O&M)
Date of Decision:-22.05.2025

RAVI KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
70	20.07.2024	21 NDPS Act	City Dhuri, District Sangrur

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has no concern whatsoever with the alleged recovery effected from the petitioner and even otherwise, the recovery falls within the category of non-commercial quantity. He submits that the petitioner is in custody since 20.07.2024 and after the completion of



investigation, challan has been presented in Court and the conclusion of trial will take considerable long time. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has assailed the arguments advanced by learned counsel for the petitioner by submitting that the petitioner is a habitual offender and was apprehended by the Police and 45 grams of heroin was recovered from the conscious possession of the petitioner. Thus, prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 20.07.2024, the police party apprehended the petitioner on the basis of secret information. Upon search of the petitioner, 45 grams of heroin was recovered from his possession. Accordingly, he was arrested and since then he is in judicial custody. Admittedly, the recovery falls within the ambit of non-commercial quantity. After the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 9 witnesses but none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on



bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, in future, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

22.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No