

CRM-M-50089-2025
Date of decision: 12.09.2025

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

Present: Mr. Kanwar Mehtab Singh Jakhar, Advocate
for the petitioner. (Legal Aid Counsel)

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SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.24 dated 14.01.2024 under Sections 22/29 of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act) and Section 42 of Prisons Act registered at Police Station City Hoshiarpur, District Hoshiarpur.
2. Learned counsel for the petitioner contended that the petitioner is in custody in this case since 01.02.2024. Learned counsel further contended that the contents of the FIR as well as the final report under Section 193 BNSS, 2023 (*erstwhile Section 173 Cr.P.C.*) indicate that it is a moot question whether any offence under NDPS Act against the petitioner is made out or not. Furthermore, except the disclosure statement of the co-accused, which is inadmissible in evidence, there is no other evidence to connect the petitioner with the alleged crime. Learned counsel further submitted that at the time, when recovery was effected from co-accused, the petitioner was in jail. Further, the allegation that the petitioner is supplier of the drug to co-accused, from whose possession, the drug is recovered, is false.
3. Notice of motion.
4. Mr. Subhash Godara, Addl. A.G. Punjab, accepted the notice on behalf of the respondent-State and produced the custody certificate of the

petitioner, which is taken on record. Learned State counsel vehemently opposed the prayer made by learned counsel for the petitioner and submitted that he is a habitual offender and several cases under Indian Penal Code, 1860 and NDPS Act are registered against him.

5. Heard.
6. Keeping in view the facts and circumstances of the case and the fact that the present petitioner is in custody since 01.02.2024 i.e for the last more than one and a half year; except the disclosure statement, there is no material on record to connect the petitioner with the alleged crime as admitted by learned State counsel; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody; it is not disputed fact that at the time of occurrence/commission of offence, petitioner was confined in jail; this Court deems it a fit case to grant the concession of regular bail to the petitioner.
7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.
8. Nothing observed hereinabove shall be construed as an expression of opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

September 12, 2025
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(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |