



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

**CRM-M-51324-2025
Date of decision: 17.09.2025**

RAKESH KUMAR ALIAS KESHI

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Avtar Singh Syan, Advocate for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.110 dated 01.07.2025 under Sections 21/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Garhshankar, District Hoshiarpur.

2. Learned counsel for the petitioner contended that petitioner is in custody since 02.07.2025 i.e. for the last more than 02 and half months; the petitioner is not required for any investigation purpose as he has already been remanded to judicial custody; the alleged contraband i.e. 40 grams of heroin recovered from the petitioner falls under the category of non-commercial quantity; even the FSL report has not been received yet. As such, learned counsel prayed for grant of bail to the petitioner.

3. Notice of motion.

4. Mr. Sandeep Kumar, DAG, 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 opposed the prayer for grant of regular bail to the petitioner by submitting that one more case is pending

against him. However, learned State counsel has not disputed that quantity recovered from him falls under the category of intermediate quantity and FSL report has not been received yet.

5. Heard.
6. Keeping in view the facts and circumstances of the case and the fact that present petitioner is in custody since 02.07.2025 and has already been remanded to judicial custody as he is not required for any investigation purpose; FSL report has not been received yet in the present matter; the contraband i.e. 40 grams of heroin allegedly recovered from the petitioner falls under the category of non-commercial quantity; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, 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.

September 17, 2025

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- (i) Whether speaking/reasoned
- (ii) Whether reportable

(SUBHAS MEHLA)
JUDGE

Yes/No

Yes/No