



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-57407-2023
Date of decision:-03.04.2025

AKSHAY KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. C.S. Singh, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
62	27.09.2023	21(b), 27(a) NDPS Act (29 NDPS Act added later on)	Behrampur, District Gurdaspur

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and have been falsely implicated in this case. He contends that alleged recovery of 10 grams of heroin has been effected from the petitioner alongwith ₹61,000/- when apprehended by the police on 27.09.2023. He contends that after completion of investigation challan has already been presented in Court. The petitioner is not having any criminal antecedents and after spending sufficient long time in custody the petitioner



has since been granted concession of interim bail vide order dated 07.05.2024 and he is regularly appearing in Court and has not misused the concession of interim bail. He, as such, prayed for grant of regular bail by confirming the interim bail already granted to him.

3. *Per contra* learned State counsel referring to the reply filed by the State has assailed these arguments and submits that petitioner was apprehended and 10 grams of heroin had been recovered from him, therefore, considering the nature and gravity of offence, petitioner does not deserve concession of bail, hence prayed for dismissal of the present petition. However, he has not disputed the fact that petitioner has not misused the interim bail and is regularly appearing in trial.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, petitioner was found keeping in his possession 10 gram of heroin alongwith ₹61,000/- when apprehended by the police on 27.09.2023 and as per custody certificate he had already spent 7 months before being granted concession of interim bail vide order dated 07.05.2024 passed by Co-ordinate Bench of this Court. It is not disputed that the petitioner is regularly appearing in the trial without fail and is not having any other criminal antecedents. The recovery of contraband from the petitioner is intermediate quantity, not being barred within the purview of Section 37 of the NDPS Act. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time.

5. Keeping in view the fact that after being granted interim bail by Co-ordinate Bench, petitioner has not misused the same and is having no criminal antecedents, in these circumstances, without commenting on the



merits of the case, the interim bail granted to the petitioner vide order dated 07.05.2024 is hereby confirmed, the present petition is allowed with the direction to the petitioner 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.

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

7. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

02.04.2025

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