



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**Sr. No.216**

**Case No. : CRM-M-59943-2024**

**Decided On : January 15, 2025**

Pratham Hans .... Petitioner

vs.

State of Punjab .... Respondent

**CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH.**

\* \* \*

Present : Mr. Bhrigu Dutt Sharma, Advocate  
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

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**SANJAY VASHISTH, J. (Oral) :**

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for grant of regular bail to the petitioner in case FIR No.147 dated 20.09.2024, under Sections 20, 21(c), 27-A and 29 of the NDPS Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station Special Task Force, Police District STF Wing, SAS Nagar (Mohali).
2. Counsel for the petitioner submits that on the basis of secret information, raid was conducted at the house of Rinku Thapar, where total five accused were sitting including the present petitioner Pratham Hans. Further submits that nothing incriminating under the NDPS Act was recovered from the house of Rinku Thapar except of the some articles such as 38 live cartridges 32 bore, Rs.6,18,780/- drug money, gold jewelry of 262 grams, one canon camera, apple watch, three laptops, five mobile phones, four cars (Thar, Scorpio, Alto, Endeavour), one skin likely to be of deer, one digital weighing scale. He further submits that even as per the case of

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prosecution, no recovery was effected from the petitioner and he, being not found ever involved in similar activities in the past, cannot be said to be part of the alleged conspiracy. Therefore, till the decision of the case, it cannot be adjudicated whether narcotic contraband, which has been recovered from the other co-accused sitting in the house, was in the conscious possession of the petitioner or not, without the knowledge of any such contraband with the other co-accused. He further submits that the petitioner is in the jail since 20.09.2024 and is not required for any purpose by the investigating agency.

3. Learned State counsel has filed the Status Report by way of affidavit of Yogesh Kumar, PPS, Deputy Superintendent of Police, Anti-Narcotics Task Force, Jalandhar Range, Jalandhar on behalf of the respondent-State in the Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

4. Learned State counsel argues that the petitioner, being active member of the group, which is involved in the business of illegal activities falling under the crimes relating to NDPS Act, cannot be termed as innocent person, while sitting in the house of Rinku Thapar.

5. I have considered the submissions addressed by both the sides and also examined the record. Admittedly, no contraband or any other material has been recovered from the possession of the petitioner at the time of conducting the raid or arresting him. Thus, it appears that simply from being present in the house of Rinku Thapar, learned State counsel wants to build up a case against the petitioner falling within the ambit of NDPS Act. This

Court finds that prima facie, the submissions addressed by the counsel for



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the petitioner convincing for the purpose of examining liberty of the petitioner, until substantial evidence is adduced by the prosecution. For indefinite period and only on assumptions of involvement in the crime, the petitioner cannot be kept behind bars.

6. In view of the totality of circumstances and the factors recorded herein above, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

9. It is further made clear that if in future, petitioner is found misusing the concession granted by this Court or indulging in similar kind of activities, it would be open to the prosecution to seek cancellation of bail in the present case with the help of some material.

Petition stands disposed of.

January 15, 2025  
monika

(SANJAY VASHISTH)  
JUDGE

|                             |         |
|-----------------------------|---------|
| Whether speaking/reasoned ? | Yes/No. |
| Whether reportable ?        | Yes/No. |