



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

**CRM-M-63365-2024
Date of decision : 08.04.2025**

Rahul Gupta @ Akhil

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vishavjeet Singh Rishi, Advocate for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner for grant of regular bail in case FIR No.209 dated 04.10.2024, under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Ludhiana, District Ludhiana.

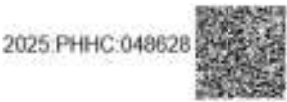
2. Succinctly the facts of the case are that on 04.10.2024, while the Police party was on patrolling, they spotted a young person standing near his motorcycle. On seeing the Police, he got perplexed and he took out a black polythene bag from the front right pocket of his jeans and threw it. He tried to escape but he was apprehended by the police. On asking, he disclosed his name as Rahul Gupta @ Akhil. He was suspected to be carrying some contraband in the polythene bag which was thrown by him. Thus, he was given an offer for search of the same. On conducting the search, 180 grams of heroin was recovered from the same. He failed to produce any license regarding possession of the same and hence the FIR was registered and the petitioner was arrested on spot. The investigation commenced and samples taken from the contraband were sent to FSL. After receiving the FSL report, investigation completed and charges were framed. The petitioner approached the Learned Judge, Special Court,



Ludhiana praying for grant of regular bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Ludhiana vide order dated 03.12.2024. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner was arrested from the spot nor any recovery was made from him as alleged, however, the case has been planted upon the petitioner. He submits that the alleged recovery was effected from a public place, however, no independent witness was joined by the investigating agency. He submits that there is gross violation of provisions of Section 50 of NDPS Act in the present case. He submits that even otherwise the alleged recovery effected falls under the non-commercial category and thus, provisions of Section 37 of NDPS Act, are not attracted in the present case. He submits that the petitioner has no criminal antecedents and he has never been involved in any other case. He submits that the petitioner is behind bars from the date of his arrest, however, charges have not been framed till date. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits the petitioner was carrying a polythene bag, which on seeing the Police, he had thrown. He submits that from conducting the search, on due compliance of the statutory provisions of NDPS Act, 180 gram of heroin was recovered from the same. It is submitted that on completion of investigation, enough



evidence were found and the contraband was confirmed to be heroin. He has produced the custody certificate of the petitioner on record. He thus, submits that the trial is at the initial stage and thus, submits that in the facts and circumstances of the case, the petitioner does not deserve the concession of bail.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the recovery effected from the polythene bag having been thrown by the petitioner, it was 180 grams of heroin. Admittedly the recovery falls under the category of non-commercial quantity. The custody certificate filed shows that he has completed an incarceration of 06 months and 02 days as on 07.04.2025. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.04.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No