



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

218

CRM-M-62204-2025 (O&M)
Date of decision: 12.11.2025

Sandeep Kumar alias Shipa

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Puneet Sharma, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.30 dated 29.01.2025, registered under Section 21(c) of NDPS Act (Section 25 of NDPS added later on) at Police Station Special Task Force, District STF Wing, Punjab.

2. Learned counsel contends that the petitioner has been in custody for 9 months and 11 days. He alleges false implication. The alleged recovery of contraband was effected from the polythene bag kept in the armrest of the car, which he was driving, it being 260 grams of Heroin, which is marginally above the commercial quantity. It is a debatable issue whether petitioner had conscious possession thereof and the weight of polythene has not been subtracted. Challan was presented on 25.07.2025, charges were framed on 20.08.2025, however, out 18 PWs, 1 has been examined. The petitioner is involved in 1 more case, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme



Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 12.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 9 months and 11 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the petitioner, who was apprehended at the spot and is a habitual offender. However, he is unable to controvert the submissions with regard to stage and the petitioner being on bail in other case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 9 months and 11 days; on bail in other case; challan stands presented on 25.07.2025 and the charges have been framed on 20.08.2025, however, 17 more prosecution witnesses still remain to be examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.



8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be

construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

12.11.2025
M.Kamra

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