



269

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

**CRM-M No.63707 of 2025
Date of Decision: 18.11.2025**

Krishan Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Anil Kumar, Advocate and
Mr. Rajan Garg, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.92, dated 17.05.2025, under Sections 21, 27-A, 29 of NDPS Act, 1985, registered at Police Station Beas, District Amritsar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 17.05.2025, saw a motorcycle bearing registration No.PB-10-JW-7735 coming, on which, 03 young persons were riding. On seeing the police, they got perplexed and tried to escape, however they were stopped by the police party. On asking, driver of the motorcycle disclosed his name to be Sahilpreet Singh, whereas the person sitting in the middle, disclosed his name to be Harvinder Singh @ Baba and the third person sitting on the motorcycle disclosed his name to be Krishan



Kumar (petitioner). They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search of Sahilpreet Singh, no recovery was effected, whereas from the search of Harvinder Singh @ Baba, 05 grams of heroin was recovered. However from the search of Krishan Kumar (petitioner), cash amounting to Rs.2,00,000/- was recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and they were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 03.07.2025. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-39558-2025, however the same was dismissed as withdrawn vide order dated 30.07.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery has been effected from the public place, however no independent witness has been joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. He has submitted that even otherwise, the alleged recovery of 5 grams of heroin has been effected from the co-accused. He has submitted that the petitioner is a businessman, from



whom, there is a recovery of cash of Rs.2,00,000/-, however, the same cannot be termed as drug money. To buttress his arguments, learned counsel for the petitioner has submitted that even otherwise, the alleged recovery effected from the co-accused is a small quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 17.05.2025. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that all three accused were arrested on the spot. He has submitted that the recovery of 05 grams of heroin has been effected from the co-accused. He has submitted that from the petitioner, drug money of Rs.2,00,000/- has been effected. He, on instructions, has submitted that only the challan has been presented, however the charges are yet to be framed. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery of 05 grams of heroin has been effected from the co-accused, which is admittedly a small quantity. From the petitioner, there is a recovery of cash of Rs.2,00,000/-, whether the same is a drug money or not would be adjudicated during the trial. The petitioner is behind bars since the date of his arrest, i.e. 17.05.2025.



Custody certificate produced would show that the petitioner has suffered incarceration of 05 months and 27 days as on 17.11.2025. It further reflects that the petitioner is not involved in any other case. Challan in this case has been presented and charges are yet to be framed.

7. This Court would refrain itself from commenting anything on the merits of the case. The veracity of the allegations would be assessed only after the 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.

8. 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.

9. Accordingly, the present petition is allowed. 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.

18.11.2025

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Whether speaking/reasoned
Whether reportable

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Yes/No
Yes/No

(RAJESH BHARDWAJ)
JUDGE