



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-62493-2025 (O&M)
Date of Decision:- 26.11.2025

Vishal Kumar @ Shalu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Sandeep Sharma, Advocate, Legal Aid Counsel,
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in case bearing FIR No.159, dated 30.06.2025, registered under Section 21 (b) of NDPS Act, 1985 and Sections 27-A, 61, 85 of NDPS Act were added later at Police Station City Kotkapura, District Faridkot, Punjab.
2. Learned counsel for the petitioner contended that as per prosecution case, the contraband recovered i.e. 50 grams of ‘heroin’ falls under intermediate quantity. Investigation has already been completed and trial will take sufficient time to conclude. The petitioner is in custody for the last more than 4 months and is not involved in any other criminal activity. Thus, learned counsel prayed for grant of regular bail to the petitioner.
3. Notice of motion.
4. Mr. Subhash Godara, Addl. A.G., Punjab, puts in appearance as advance copy of petition had been served to respondent-State and filed



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custody certificate of the petitioner, which is taken on record. As per custody certificate, the petitioner is in custody for the last about 4 months and 18 days and he is not involved in any other case. Learned State counsel opposes the bail petition of the petitioner by submitting that 50 grams of '*heroin*' has been recovered along with drug money of Rs.80,000/-. Thus, he prayed for dismissal of his bail petition.

5. Heard.

6. Keeping in view the facts and circumstances of the present petition, and the fact that the alleged contraband recovered i.e. 50 grams of '*heroin*' falls under intermediate quantity; petitioner is in custody for the last about 4 months and 18 days; there is no other material to suggest that he is involved in any other case; investigation has already been completed; trial will take sufficient time to conclude, and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned, subject to the condition that his presence can be secured during trial.



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8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

26.11.2025
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No