



CRM-M-67348-2025

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

CRM-M-67348-2025

Date of decision : 05.12.2025

Vikas Gupta @ Jama

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

Ms. Ramta Chowdhary, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.143 dated 09.09.2025 registered under Sections 21 of NDPS Act (Section 27-A and 27 of NDPS Act added subsequently) at Police Station Doraha, Ludhiana.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 09.09.2025, a grey baleno car without number plate was seen coming and on suspicion same was stopped. The youngster sitting in the car was asked to come out, who on seeing the police, threw a transparent mini polythene bag on the ground by taking it out from the right pocket of his Nikker. On asking, he disclosed his name to be Sumandeep Singh @ Suman. He was suspected to be carrying some contraband and thus, search of the polythene being thrown by him was carried out. On conducting the search of the same, 05 grams of heroin was recovered. He failed to produce any licence regarding possession of the same. Thus, he was arrested on spot. On registration of FIR, investigation commenced. Samples taken were sent to the FSL. During investigation, he

made a disclosure about the complicity of the petitioner who was alleged



to be supplier of the contraband, thus, the petitioner was arrayed as an accused and he was arrested on 11.09.2025. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. The petitioner approached Learned Judge, Special Court, Ludhiana praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 30.10.2025. 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 contended that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of the co-accused. He submits that on 09.09.2025 the investigating agencies had recovered 05 grams of heroin from Sumandeep Singh @ Suman. He submits that during investigation, on the disclosure statement of co-accused, the petitioner had been arrayed as an accused in the present case on the allegation that the petitioner is the supplier of the said contraband. He submits that on the basis of this disclosure statement, the petitioner was arrested on 11.09.2025. He submits that the disclosure statement in itself is not an admissible evidence. He submits that though the petitioner is involved in 03 other cases, however, he is on bail in those cases. He submits that no credible admissible evidence are there against the petitioner and thus, 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 that complicity of the petitioner was duly established during investigation as he was the supplier of the contraband. She submits that the petitioner is a habitual offender. She submits that the case is under investigation. She has



placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case has been arrested on the basis of disclosure statement of the co-accused, from whom the alleged recovery of 05 grams of heroin was recovered. It has been contended before this Court that even otherwise the recovered contraband from the co-accused falls under the small quantity. As per custody certificate, petitioner has suffered an incarceration of 02 months and 22 day as on 04.12.2025. It further reflects that the petitioner is involved in 04 other cases, out of which in 02 cases he is on bail, in 01 case he has been released and in 01 case he has been acquitted.

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.

7. 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.

05.12.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No