



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(217)

CRM-M-6531-2026(O&M)
DATE OF DECISION:19.05.2026

Vinod Kumar @ Garry

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Dinesh Goyal, Advocate,
for Mr. PKS Phoolka, Advocate, for the petitioner.
Mr. Rahul Kumar Aadia, AAG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.305 dated 22.12.2025, under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Sadar Bathinda, District Bathinda, Punjab.

2. Allegations against the present petitioner are that from his conscious possession, 16 grams *heroin* (in a polythene) was recovered.

3. Learned counsel for the petitioner prays for grant of regular bail to the petitioner on the following grounds:

- i. That the petitioner has been falsely implicated in the present case;
- ii. That he is in custody since 22.12.2025;
- iii. That the alleged recovered contraband is 16 grams of *heroin*, which falls under 'non commercial quantity';



- iv. That the investigation has already been completed;
- v. That trial will take sufficient time to conclude and
- vi. That no fruitful purpose would be served by keeping the petitioner behind the bars.

4. On the other hand, Mr. Rahul Kumar Aadia, AAG, Punjab, appears on behalf of respondent/State and vehemently opposes the prayer for grant of regular bail to the petitioner on the following grounds:

- i. That the petitioner was arrested at the spot;
- ii. That during the search conducted by the police, alleged contraband was recovered from his conscious possession and
- iii. That the petitioner is a habitual offender and is also involved in four other cases.

5. Heard.

6. Taking into consideration the contentions of the learned counsel for the petitioner as well as learned State counsel and the totality of the circumstances of the case, this Court is of the considered view that concession of bail cannot be denied just as measure of punishment, as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception. Accordingly, this Court deems it a fit case to grant the concession of regular bail to the petitioner on the following aspects:

- i. That the petitioner is in custody since 22.12.2025;
- ii. That the alleged recovered contraband is 16 grams of *heroin*, which falls under 'non commercial quantity';



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- iii. That the investigation has already been completed;
- iv. That trial will take sufficient time to conclude and no fruitful purpose would be served by keeping the petitioner behind the bars.

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.

8. However, it is made clear that in case the petitioner is found indulging in similar activities after his release, the prosecution would be at liberty to move an appropriate application for cancellation of his bail, which shall be considered and decided by concerned Court in accordance with law.

9. All pending misc. applications, if any, be also disposed of.

19.05.2026
mamta

(SUBHAS MEHLA)
JUDGE

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