



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-8551-2026
Decided on : 27.04.2026

Gopal Jaat . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab
assisted by SHO/Insp. Harpreet Singh.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gopal Jaat	66	29.04.2025	S. 18(b) of NDPS Act, 1985 [S. 27 of NDPS Act, added later on]	City Malout	Sri Muktsar Sahib

2. As per the allegations, on 29.04.2025, two clean-shaven young boys were seen sitting on a platform made of bricks on the right side of the road and a white plastic bag was lying in between them, on which both of them had placed their hands.

On suspicion, when both of them were enquired, said young boys disclosed their names as, Gopal Jaat (petitioner herein) and Rahul. Upon search of the said plastic bag, recovery of 3.350 kilograms of opium was effected.



3. Learned counsel for the petitioner argues that a false case has been planted against the accused persons, including the present petitioner. It is submitted that the story put-forth by the prosecution is wholly improbable and does not inspire confidence.

Learned counsel further submits that, if the accused persons were actually in possession of the contraband, there was no reason for them to keep the same openly in a bag placed outside and jointly place their hands over it. According to learned counsel, facts stated in the FIR, are contrary to ordinary human conduct and probabilities.

It is further submitted that after completion of investigation, challan has already been presented and the process of recording statements of prosecution witnesses is yet to commence. Therefore, the conclusion of trial is likely to take considerable time.

Accordingly, prayer has been made for grant of concession of regular bail.

4. On the other hand, learned State counsel has produced reply dated 21.03.2026 by way of affidavit of Naveenpal Singh Lehal, DSP, Sub Division Malout, District Sri Muktsar Sahib, on behalf of the respondent-State, in Court today, which is taken on record. Office is directed to tag the same at the appropriate place.

A copy thereof has been handed over to learned counsel for the petitioner.

5. Learned State counsel, while vehemently opposing the prayer for bail, submits that even on conducting the DOPE test of the petitioner and his co-accused, the same was found positive.



It is further submitted that both the accused persons, including the present petitioner, are equally liable for the recovery of narcotic contraband, which was found in their joint possession. Therefore, according to learned State counsel, the present case is not a fit case for grant of regular bail and deserves dismissal.

6. I have heard learned counsel for the parties and perused the relevant material available on record with their able assistance.

7. Undoubtedly, the quantity recovered in the present case falls within the commercial category under the NDPS Act. However, whether the allegations levelled by the prosecution carry truth in them and whether both the accused persons are actually liable for the offence alleged, are matters yet to be determined by the learned trial Court after appreciation of the complete evidence.

Admittedly, as per the prosecution case itself, plastic bag was lying between the petitioner and his co-accused while they were sitting on the brick platform. At this stage, no definite opinion can be formed, as to whether the presence of opium in said plastic bag lying between them, was in their knowledge, or whether they were in conscious possession thereof. The said aspects would also require adjudication during the course of trial.

It is also a matter of record that the investigation stands completed, challan has been presented, and the process of recording prosecution evidence is yet to commence. Thus, the conclusion of trial is likely to take considerable time.

8. Keeping in view the overall facts and circumstances of the case, the stage of trial, and without commenting upon the merits of the case, this



Court is of the considered opinion that further incarceration of the petitioner would not serve any useful purpose.

Consequently, prayer made in the present petition is **allowed**.
Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. **Petition stands disposed of.**

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

April 27, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*