



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

210

CRM-M-9233-2026 (O&M)

Date of decision: 12.05.2026

Sandeep Kumar @ Vans @ Vansh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. Jagraj Singh, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of present petition under Section 483 BNSS, 2023 for grant of regular bail in case FIR No.21 dated 26.02.2025 registered against him, for commission of offence punishable under Sections 22 and 29 of NDPS Act at Police Station Bullowal, District Hoshiarpur.

2. Succinctly, facts of the case are that on 26.02.2025 ASI Gurdeep Singh along with other police officials was going towards village Tajowal, Pathralia etc. in connection with patrolling duty and checking of suspicious persons. When the police party reached near main road leading from Hoshiarpur to Tanda, then two persons were seen coming on motorcycle bearing No. PB07M7509. On seeing the police party, they got

2026:PHHC:074328



perplexed and tried to turn back the motorcycle, however, they were apprehended. On asking, driver of the said motorcycle disclosed his name as Harmandeep Singh @ Vishal and the pillion rider disclosed his name as Sandeep Kumar @ Vansh (present petitioner). On conducting search of Harmandeep Singh @ Vishal, one polythene envelop containing 24 loose intoxicant tablets and 5.097 grams intoxicant substance was recovered from the right pocket of his jacket. On conducting search of Sandeep Kumar @ Vansh one polythene envelop containing 35 loose intoxicant tablets was recovered from right pocket of his pants. On registration of FIR, the investigation commenced. The petitioner approached the Court of Judge, Special Court, Hoshiarpur praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 22.12.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. Learned counsel for the petitioner contends that the prosecution case is that the recovery in the present case was made in the public place, however, no independent witness has been joined. He further submits that the alleged recovery of 35 loose intoxicant tablets containing the salt of 'Etizolam' was effected on the personal search of the present petitioner and the same was allegedly found recovered from the pocket of the pent. However, mandatory provisions of Section 50 of the NDPS Act has been violated. He further

2026:PHHC:074328



contends that the petitioner has no criminal antecedent as he has never been involved in any other criminal case. He is behind bars from the date of his arrest. There are no chances of conclusion of the trial in near future. He, thus, submits that in view of 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 counsel for the petitioner. He has submitted that the petitioner along with the co-accused were stopped by the police. On personal search of the petitioner 35 loose intoxicant tablets containing the salt of 'Etizolam' were recovered and as per the FSL report the total weight was 3.64 grams which is a commercial quantity. From the co-accused 5.97 grams heroin and 24 tables containing salt Etizolam was recovered. He contends that the recovery being of commercial nature, therefore provisions of Section 37 of the NDPS are attracted. He, on instructions, submits that out of 17 prosecution witnesses one has been examined.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the the alleged recovery was effected on personal search of the petitioner at a public place. As per custody certificate dated 11.05.2026, the petitioner has suffered incarceration of 10 months and 07 days and he is not involved in any other case.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble

2026:PHHC:074328



Supreme Court expressed its views as under:-

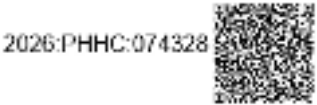
“19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20 xxxxx

21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22 xxxxx

23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and



concluded speedily.'

7. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, 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.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case

12.05.2026
Satyawar

(RAJESH BHARDWAJ)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>