



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226+233

1) CRM-M-12260-2026
Decided on : 04.05.2026

Bhola Shukla . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

2) CRM-M-20562-2026

Vishal @ Vicky . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. V.K. Pujara, Advocate for
Mr. Chandan Singh Rana, Advocate
for the petitioner(s) (in CRM-M-12260-2026).

Mr. Karandeep Singh Sidhu, Advocate,
for the petitioner(s) (in CRM-M-20562-2026).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-12260-2026 & CRM-M-20562-2026, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-12260-2026.

2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have 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
Bhola Shukla (petitioner in CRM-M-12260-2026)	41	28.02.2025	21/29/25/61/85 of NDPS Act, 1985	Salem Tabri	District Police Commissionerate, Ludhiana
Vishal @ Vicky (petitioner in CRM-M-20562-2026)	41	28.02.2025	21/29/25/61/85 of NDPS Act, 1985 [S. 21(C) of NDPS Act, added later on]	Salem Tabri	District Police Commissionerate, Ludhiana

3. On the basis a secret information to the police team, in regard to the involvement of petitioners' hearing, i.e., (i) Bhola Shukla (in CRM-M-12260-2026), and (ii) Vishal @ Vicky (in CRM-M-20562-2026), FIR in question was registered. As per secret information, it was informed that on that particular day, both the accused/petitioners herein, can be apprehended together in a Car bearing registration No.PB65-AT-3376. Before effecting any actual recovery of the narcotic contraband, FIR in the instant case was registered against both of them.

During investigation, both the petitioners here were intercepted and thereupon, from the dash board of the said car, 310 grams of heroin was recovered.

4. One and common argument addressed by learned counsel for the petitioners is that a false case has been planted upon both the petitioners, having no connection with the alleged recovery.

Moreover, recovered quantity is 60 grams more than the threshold of 250 grams of commercial quantity under the NDPS Act, 1985, and it was not clearly noticeable while lying inside the dash board of the car. Therefore, another issue to be determined by the trial Court would be that was there any knowledge or not of lying of heroin in the dash board of the said car, to both the accused/petitioners herein or one of them?

Besides, it is also submitted that petitioners are already inside

jail for a period of about last one year, and except present case, they are not involved in any other criminal activity, more specific, under the NDPS Act. Thus, in the given circumstances, learned counsel seek concession of regular bail to the petitioners.

5. *Per contra*, learned State counsel while vehemently opposing prayer for bail, submits that the quantity recovered in the present case is commercial in nature and both the petitioners were together at the time of recovery. Therefore, the aspect of lying narcotic contraband in the dash board of the said car, was already in their knowledge.

Further submits that even car in question is found registered in the name of sister of petitioner – Vishal @ Vicky (in CRM-M-20562-2026). Therefore, there cannot be any aspect that they do not have any knowledge of the narcotic contraband (heroin) lying in the dash board of the said car.

Hence, keeping in the view the nature of allegations and gravity of offence, learned State counsel seeks dismissal of bail petitions.

6. Having heard learned counsel for the parties and perused the record, this Court notices that the recovery effected from the petitioners falls within the category of commercial quantity under the NDPS Act, 1985, though the same is marginally above the prescribed threshold of 250 grams.

It is also not disputed that the alleged narcotic contraband was recovered from the dashboard of the car. At this stage, it cannot be conclusively determined as to whether both the petitioners were in conscious possession thereof or as to who had placed the same inside the dashboard. The said aspect would require adjudication by the learned trial Court on the basis of evidence led during trial.

It has further been informed that both the petitioners are not

involved in any other case under the NDPS Act and are, thus, first-time offenders. Besides, out of the total cited 17 prosecution witnesses, none has been examined so far, which indicates that the trial is likely to take considerable time to conclude.

7. This Court is conscious of the rigours of Section 37 of the NDPS Act. However, in the facts and circumstances of the present case, particularly considering the period of custody already undergone by the petitioners, i.e., about one year, and the stage of trial, the continued incarceration of the petitioners for an indefinite period would not serve any useful purpose.

Whether petitioners were in conscious possession of the contraband is a matter to be determined during the course of trial. At this stage, nothing has been pointed out to show that the petitioners are likely to tamper with the prosecution evidence or influence the witnesses.

8. Keeping in view the overall facts and circumstances of the case, the period of custody already undergone, the absence of criminal antecedents, and the slow pace of trial, this Court is of the considered opinion that the petitioners deserve the concession of regular bail at this stage, without commenting upon the merits of the case.

Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their 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 petitioners 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, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. **Petitions stand disposed of.**

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

Photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

May 04, 2026
J.Ram

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