



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-13258-2026 (O&M)
Date of Decision:- 04.05.2026

Ram Kumar Pandey		... Petitioner
	Versus	
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Atul Aggarwal, Advocate with
Mr. Samarth Suri, Advocate,
Mr. V. Yashvir Singh, Advocate and
Mr. Sandeep Suri, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in case bearing FIR No.135 dated 19.11.2025, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Ajitwal, District Moga.
2. The allegations in a nutshell are that on 19.11.2025, two bags were recovered from the back seat of the car having registration No.CH-02AA-9293 from which 800 and 700 strips each containing ten tablets (total 15000 tablets) were recovered respectively. The petitioner was driver of the vehicle and alongwith co-accused Aman and Mohamad Arshad were travelling in the said car.
3. Learned counsel prayed for concession of bail to the petitioner on the following grounds:
 - (i) That the petitioner has been falsely implicated in the present case, as it was the co-accused who were apprehended with the contraband in



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(2)

petitioner's cab, booked through '*rapido*', and in support of the said booking, all relevant documents have been duly annexed with paper book.

- (ii) No recovery has been effected from petitioner.
- (iii) Petitioner is in custody for the last 05 months and 11 days.
- (iv) Petitioner has clean and clear antecedents.
- (v) Trial of the case will take sufficient time to conclude.

4. Status report dated 02.05.2026 by way of an affidavit of Anwar Ali, PPS, Deputy Superintendent of Police, Nihal Singh Wala, District Moga, along with custody certificate dated 03.05.2026 of the petitioner has been filed by learned State counsel and the same are taken on record. As per custody certificate, the petitioner has been behind bars since 22.11.2025 i.e. for the last 05 Months and 11 days and is not involved in any other case.

5. Learned State Counsel opposed the present petition on the following grounds:

- (i) That the recovery of contraband, i.e. 15000 tablets of 'Tramadol' has been made from car of petitioner, which fall under commercial quantity.
- (ii) The present petitioner was apprehended with the co-accused, who were apprehended with the contraband at that time.

However, on a specific query posed by this Court as to whether the petitioner was in contact with the co-accused, it was submitted in reference to Para 14 of the State's reply dated 02.05.2026, that during investigation, it was found that petitioner was not in touch with co-accused prior to the booking of his cab.

6. Heard.



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7. Keeping in view the submissions of learned counsel for the parties, facts and circumstances of the case, this Court finds merits in the present petition on the following grounds:

- (i) The petitioner is a cab driver and was operating a cab that had been booked by the co-accused through ‘*rapido*’ app. The said co-accused/customer was apprehended in possession of contraband (i.e. from rear seat)
- (ii) As per State’s reply the petitioner was not in contact with the co-accused prior to booking of cab. So, at this stage for disposal of present petition, *prima facie*, language (contraband) seems to belong to customer of cab (i.e. co-accused and it is a moot question to be adjudicated during trial).
- (iii) The petitioner has been behind bars since 22.11.2025 i.e. for the last 05 months and 11 days.
- (iv) Petitioner has clean and clear antecedents.
- (v) The trial is likely to take considerable time to conclude. No fruitful purpose would be served by keeping him in custody for any further period.

8. As concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is a rule, jail is an exception. Hence, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

9. 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.

04.05.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No