



253 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13232-2026
Date of decision: 06.04.2026

RAJ KUMAR ALIAS RAJA

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Gaurav Kalsi, Advocate and
Mr. Divyansh Vats, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G. Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking regular bail in case bearing FIR No.31 dated 01.03.2025 registered under Sections 21, 27(a) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act and Section 111 of BNS, 2023 added later on) at Police Station Sujanpur, District Pathankot.

2. Brief facts of the present case are that on 01.03.2025, when ASI Jagdish Singh along with other police officials was going towards Azizpur and reached near a ruined room built near hydel canal, the petitioner, after seeing the police party, thrown a transparent polythene envelope from the right pocket of his trouser on the ground and was apprehended on suspicion. Upon checking of envelope, 16 grams of Heroin and an amount of Rs.2,100/- from the right pocket of his trouser were recovered. Hence, the FIR was registered.



3. Learned counsel for the petitioner contended that the petitioner is in custody for the last more than 01 year and 01 month; the contraband recovered from the petitioner falls under the category of intermediate quantity i.e. non-commercial quantity; all the witnesses are police officials, so there is no apprehension that the petitioner would tamper with the prosecution evidence after getting released on bail; the trial of the case is likely to take long time. As such, learned counsel prayed for grant of regular bail to the petitioner.

4. Learned State counsel placed on record the custody certificate of the petitioner and opposed the contentions made by learned counsel for the petitioner by submitting that the petitioner is a habitual offender as he is involved in five more cases of similar nature and if he will be released on bail, there are chances that he will again indulge in drug trafficking. Hence, learned State counsel prayed for dismissal of the present petition.

5. Heard.

6. Keeping in view the facts and circumstances of the present case and the contentions raised by learned counsel for the petitioner as well as learned State counsel that the petitioner is in custody since 03.03.2025 i.e. for the last more than 01 year and 01 month; the contraband recovered from the petitioner falls under the category of non-commercial quantity; all the witnesses are police official, so there is no apprehension that the petitioner would tamper with the prosecution evidence; the trial of the case will take sufficient time to conclude, this Court finds merit in the present petition and no fruitful purpose would be served by keeping the petitioner in custody for any further period, as concession of bail cannot be denied just as a measure of



punishment as culpability of accused is to be decided after appreciating evidence adduced by both the parties and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

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.

April 06, 2026
manisha

(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No