



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-16444-2026 (O&M)

Date of decision: 28.04.2026

Raj Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Abhaysher Singh, Advocate for the petitioner(s).

Dr. (Ms.) Savi Nagpal, AAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This second petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.261 dated 14.12.2024, registered under Section(s) 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City-1 Abohar, District Fazilka (Punjab), after the earlier petition had been dismissed as withdrawn on 15.10.2025.
2. Status report by way of affidavit dated 27.04.2026 on behalf of respondent(s)-State has been filed by the learned State counsel today in the Court and the same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner.
3. The present FIR was registered on the basis of *ruqa* sent by ASI Bhupinder Singh. Later, the Police apprehended the petitioner alongwith co-accused/Amarjeet Singh with 435 grams of *Heroin*. The same being a commercial quantity, the petitioner was taken in custody.
4. Learned counsel for the petitioner contends that the reason for

the petitioner to prefer this second petition for grant of regular bail is owing to the fact that co-accused/Amarjeet Singh has already been granted the concession of regular bail by this Court vide order dated 27.03.2026 passed in CRM-M-71278-2025. He submits that there would be arguable issues with respect to the petitioner being in conscious possession of the contraband and the same being in the pocket of the said co-accused/Amarjeet Singh, who was driving the motorcycle while the petitioner was the pillion-rider.

5. Learned State counsel, however, contends that in the present case, the recovered contraband falls under the category of commercial quantity and that the case of the petitioner would be at variance from the said co-accused/Amarjeet Singh, on facts. The specific contention of the co-accused in the said case was that the petitioner herein, who was the pillion-rider, had kept his hands in the pocket of co-accused/Amarjeet Singh who was driving the motorcycle and that the packet containing *Heroin* was held by him in his hand. The said contention was noticed by this Court in its order dated 27.03.2026 and the State counsel did not dispute the same at that point in time. It was in the said circumstances that question arose with respect to co-accused/Amarjeet Singh being in conscious possession of the contraband.

6. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

7. In view of the above, I find that the petitioner cannot claim the benefit of parity with co-accused/Amarjeet Singh, who had been granted the

concession of regular bail vide order dated 27.03.2026 passed by this Court, since the case set up by the defence and not disputed by the prosecution at that stage gave rise to arguable issues with respect to conscious possession of co-accused/Amarjeet Singh about the contraband since the contraband in question was held tightly by the petitioner herein, who was the pillion-rider. The projection of the petitioner that the said contraband would already be there in the pocket of co-accused/Amarjeet Singh, is clearly an afterthought since had it been there in the pocket of co-accused/Amarjeet Singh, there was no occasion for the petitioner to tightly hold the packet with himself when he pulled his hands out. Hence, the case cannot, on facts be treated at par.

8. Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 mandates the twin conditions to be complied with by a suspect before bail is to be awarded in a commercial recovery. This Court does not find that sufficient circumstances exist in the present case on the basis whereof it can return a *prima facie* finding in favour of the petitioner to the effect that bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be applicable to him.

9. Hence, in view of the judgment dated 24.04.2026 passed by the Hon'ble Supreme Court in SLP(Crl.) No.5020 of 2026 titled as 'State of Punjab Vs. Sukhwinder Singh @ Gora', the present petition is dismissed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

28.04.2026

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No