

2026 PHHC 073490



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-18270-2026

Date of decision: 11th May, 2026

Deep Kumar Goyal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 79 dated 19.04.2025, registered under Sections 21, 22, 29 and 27-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 111(2) and 223 of BNS, 2023 at Police Station City Moga, District Moga.

2. Brief facts of the case relevant for the disposal of the present petition are that on 19.04.2025, on the basis of a secret information, co-accused Vicky Arora, while coming in a car bearing registration number PB-10-AL-0515, was apprehended by a police party and recovery of 24000 intoxicant tablets containing Tramadol Hydrochloride and drug money of

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Rs.52,500/- was effected from his conscious possession. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. During the course of investigation, recovery of several other intoxicant drugs was effected at his instance from a godown. Upon interrogation, he nominated the present petitioner and co-accused Ahmad Ali @ Makhan and Gurtaran Singh as his accomplices. However, Gurtaran Singh was found to be innocent. Accused Ahmad Ali @ Makhan was arrested on 23.04.2025 by way of issuance of production warrants as he was already in custody in connection with some other case. On conducting search of his shop, recovery of certain intoxicant drugs, quantity of which fell under non-commercial category, was effected, for which, he could not produce any valid license or permit. As the petitioner was also nominated, search warrants of his medical store were obtained from the Court of competent jurisdiction and a search was conducted on 29.04.2025, 480 tablets of Tramadol Hydrochloride, 600 tablets of Lomotel and 4 mini bottles of Tripolidine Hydrochloride Codine Phosphale Syrup were recovered from the shop. The petitioner was arrested on 28.05.2025. Investigation now stands completed and challan has been filed.

3. It is argued by learned counsel for the petitioner that he has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which cannot be considered to be admissible in evidence. He was not named in the FIR nor he was found at the spot. He is custody for a period of more than 05 months. The alleged recovery effected from him does not fall

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under commercial quantity. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time. His involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. No useful purpose would be served by keeping him in custody anymore. Co-accused Ahmad Ali @ Makhan and Balwidner Singh Dhillon have been extended benefit of regular bail. On parity, he too deserves to be extended the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. *Per contra*, learned State counsel while relying upon the status report has vehemently argued that there are serious allegations against the petitioner. Recovery of significant quantity of intoxicant tablets and syrups was effected from him for which he could not produce any licence or permit. The petitioner along with the co-accused is narco-trafficker. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the

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danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered.

7. The case of the prosecution is that the name of the petitioner was disclosed by the above-named co-accused, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, he along with the present petitioner was indulged in sale/purchase of intoxicant drugs and had stored the same along with the present petitioner and other accused. A subsequent recovery of some intoxicant tablets and syrup is also stated to have been effected from the petitioner but the same admittedly falls under non-commercial quantity. The petitioner was arrested on 28.05.2025. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time. His involvement in other cases cannot be considered to be a ground for denying him benefit of bail in given circumstances. Co-accused Ahmad Ali @ Makhan and Balwinder Singh Dhillon have been granted concession of regular bail by this Court. The principle of parity also weighs in favour of the petitioner. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail

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in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th May, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |