



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-20578-2026 (O&M)
Decided on : 02.07.2026

MOHIT THAKUR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Mohit Thakur, aged about 31 years	08	29.01.2026	20-27(A)-29- 61-85 of NDPS Act	IT City	SAS Nagar (Mohali)

2. Counsel for the petitioner submits that petitioner was implicated as accused in the present case, only on the basis of the disclosure statement of co-accused Nivesh Sharma, from whom, 150 grams of charas was allegedly recovered during the course of



investigation, who has since been granted the concession of regular bail by learned Court of Sessions vide order dated 02.03.2026 (Annexure P-3). From the possession of the present petitioner, 350 grams of charas along with alleged drug money amounting to Rs.3,00,000/- was recovered.

3. Learned counsel for the petitioner further submits that petitioner is in judicial custody since 29.01.2026, i.e., for a period of more than five months. It is further contended that quantity of *charas* allegedly recovered from the petitioner is below the prescribed commercial quantity under NDPS Act.

4. Learned counsel further submits that co-accused, Nivesh Sharma, has already been enlarged on regular bail and conclusion of trial is likely to take considerable time. It is also argued that petitioner is not involved in any other criminal case, apart from the present one. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

5. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 01.07.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 05 months period inside jail and there is no other case registered against him.



6. Learned State counsel, while opposing the prayer for grant of regular bail, submits that investigation has revealed that petitioner had UPI transactions amounting to Rs.4,35,000/- with co-accused Nivesh Sharma, which, as per the prosecution, *prima facie* indicate that both were engaged in the business of illicit drug trafficking. On the strength of the said material, it is contended that petitioner does not deserve the concession of regular bail.

7. This Court has heard the learned counsel for the parties and has carefully perused the record made available.

8. Principal allegation of the prosecution is that petitioner and co-accused Nivesh Sharma were engaged in illegal drug trafficking. However, it is not in dispute that co-accused Nivesh Sharma has already been granted the concession of regular bail by learned Court below. Although the principle of parity is not to be applied mechanically, but grant of bail to the co-accused is a relevant circumstance that deserves due consideration while examining the petitioner's claim for regular bail.

It is also not disputed that petitioner is about 31 years of age and is not stated to be involved in any other criminal case under the NDPS Act. Furthermore, quantity of *charas* allegedly recovered from the petitioner is 350 grams, which is below the prescribed commercial quantity of one kilogram. Petitioner has remained in judicial custody since 29.01.2026, and trial is likely to take considerable time to conclude.

9. Considering the petitioner's age, absence of any criminal antecedents, and quantity of the contraband allegedly recovered, this



Court is of the view that, at this stage, petitioner deserves an opportunity to reform and reintegrate into society, subject to appropriate conditions to secure his presence during trial.

10. In view of totality of facts and circumstances of the case, nature of the allegations, period of custody undergone by the petitioner, grant of bail to the co-accused, and the fact that alleged recovery is below commercial quantity, this Court deems it appropriate to extend the concession of regular bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his 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.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

13. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.



14. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

02.07.2026
Lavisha

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO