



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

CRM-M-27422-2026

Date of decision : 19.05.2026

Kuldeep @ Keepa

.....Petitioner

versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Harpreet S. Rakhra, Advocate
for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.553 dated 12.11.2025, under Section 21B/61/85 of the NDPS Act, registered at Police Station Rania, District Sirsa.

2. Succinctly, facts of the case are that on 12.11.2025, while on patrolling when the police party reached near Village Bani near the Dhani of Aya Singh, one boy was seen standing by the side of the motorcycle. On seeing the police, he tried to escape, however, he was apprehended by the police. On asking, he disclosed his name as Kuldeep @ Keepu (petitioner). He was suspected to be carrying some contraband. Hence, search was conducted. On conducting the search of his motorcycle, one black coloured polythene pouch was recovered and on opening the same, one transparent wrap containing heroin was found. On weighing, the same was found to be 7.06 grams along with transparent wrap. Thus, the FIR was registered and the petitioner was arrested on the spot. On completion of investigation, challan was presented and on framing of charges, the trial commenced.

Petitioner approached the Court of learned Additional Sessions Judge



(FTSC/NDPS), Sirsa praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 24.02.2026. Hence, being aggrieved, petitioner is before this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has contended that the case is based on secret information but there is violation of Section 42 of the NDPS Act. He has contended that recovery is effected from the public place, however, no independent witness has been joined. He has submitted that even otherwise, there is violation of Section 50 of the NDPS Act. He has submitted that the alleged recovery of 7.06 grams of heroin was effected from the motorcycle thus, conscious possession is also not proved. He has contended that even otherwise, the alleged recovery is of non-commercial quantity thus, provisions of Section 37 of the NDPS Act are not attracted in this case. He has contended that though the petitioner is involved in other cases, however, he is on bail in those cases. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender and is facing prosecution in 10 other cases, out of which, 08 cases are under the NDPS Act. He, on instructions, has contended that challan has been presented and charges have been framed. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. After hearing counsel for the parties and perusing the record, it



is deciphered that the case of the prosecution is based on secret information, however, there is violation of Sections 42 and 50 of the NDPS Act as has been vehemently contended. The alleged recovery is of 7.06 grams of heroin which is a non-commercial quantity. As submitted, challan has been presented and charges have been framed. Custody certificate produced would show that the petitioner has completed incarceration of 06 months and 06 days as on 18.05.2026. It further shows that though the petitioner is involved in 11 more cases, however, he is on bail in 05 cases and has been acquitted in 01 case.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.

7. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

8. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

19.05.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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