



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-28018-2026 (O&M)

Date of decision: 22.05.2026

Jabir @ Zabir

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

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

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

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This third petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.33 dated 02.04.2023, registered under Section(s) 18(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sarai Amanat Khan, Tarn Taran, after the earlier petition had been dismissed as withdrawn vide order dated 01.10.2025 passed by this Court.

2. Learned counsel appearing on behalf of the petitioner contends that as per the allegations set out in the FIR, the recovery of 4 kg. of opium had been effected from beneath the Driver's seat of the vehicle in question bearing registration No.UP-19-7182. It is contended that the petitioner was infact Driver of the vehicle, however, it has been wrongly mentioned in the petition that he was a co-passenger. It is submitted that the vehicle in question is not owned by the petitioner. He contends that the petitioner was

arrested in the present case on 02.04.2023 and has undergone an actual custody of more than 03 years. He submits that only 06 out of the total 14 prosecution witnesses have been examined so far and the trial is likely to take a long time to conclude. He also submits that co-accused/Amjad, owner of the vehicle, has already been granted the concession of regular bail by this Court vide order dated 05.09.2025 passed in CRM-M-48736-2025. It is also submitted that the petitioner is not involved in any other case under the NDPS Act.

3. Learned counsel for respondent-State contends that recovery of 04 kg. of opium has been effected in the present case from beneath the Driver's seat of the vehicle in question. He, however, does not dispute that the petitioner is not involved in any other case under the NDPS Act and that the vehicle in question is not owned by the petitioner. The stage of the trial is also not disputed by the learned State counsel.

4. Having heard the learned counsel for the parties and taking into consideration the facts and circumstances as noted above, including the period of actual custody undergone by the petitioner, his non-involvement in any other case under the NDPS Act and the vehicle in question not being owned by him, coupled with the fact that there are arguable issues with respect to the conscious possession of the petitioner, the stage of the trial and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

5. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate

concerned.

6. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

22.05.2026
Mangal Singh

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