

2026:PHHC:037595



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

112

CRM-M-34150-2025 (O&M)
Date of decision: 11.03.2026

Ridham @ Rhythm Sharma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. B. S. Kathuria, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C. (*which is pari materia with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023*), is for grant of regular bail to the petitioner in case arising out of FIR No. 291 dated 17.12.2024, registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Tanda, District Hoshiarpur. He has moved a separate application, bearing **CRM-8050-2026**, seeking grant of interim bail on the ground that his mother has been diagnosed with blood cancer and is not maintaining good health.
2. Brief facts of the case relevant for the disposal of the present petition are that on 17.12.2024, the petitioner was apprehended by a police party and recovery of 03 kgs. of opium was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. After completion of necessary investigation and usual formalities, challan was presented in the Court and

2026:PHHC:037595



presently, the petitioner is facing trial for commission of aforementioned offence.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner, was planted by the police officials. Mandatory provisions of the NDPS Act were not complied with. The story put forth by the police party is concocted one. Even otherwise, investigation has since been completed and challan has been presented. Conclusion of trial is likely to take considerable time. The petitioner is in custody since 17.12.2024. It is further argued that the mother of the petitioner, who is aged about 60 years, has been diagnosed with blood cancer. She is not maintaining good health and needs proper medical as well as personal care for her well being, for which, the presence of the petitioner is indispensable. Hence, in alternative, the petitioner may be granted concession of interim bail. With these broad submissions, it is urged that the petitioner deserves to be granted concession of regular/interim bail.

4. Status report along with custody certificate has been filed by the respondent-State. Short reply has also been filed with regard to medical condition of the mother of the petitioner. In terms of the same, learned State counsel has argued that the petitioner is not entitled to get benefit of bail as commercial quantity of contraband has been recovered from him, which attracts the bar contained in Section 37 of the NDPS Act. Learned State counsel has further submitted that bone marrow examination of the mother of the petitioner was conducted on 11.02.2026 and she is now undergoing monthly follow up treatment in Sir Ganga Ram Hospital, New Delhi. Trial is going on at a proper

2026:PHHC:037595



pace. The petitioner is involved in one more case of similar nature. It is also argued that if the petitioner is released on regular bail/interim bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is alleged to be found in conscious possession of commercial quantity of the contraband on 17.12.2024. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. So far as his plea for grant of interim bail is concerned, it has come on record that her mother is getting proper treatment from the aforesaid hospital and she is now on monthly follow up treatment. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of regular bail/interim bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail or interim bail, at this stage. Hence, the petition is dismissed.

2026:PHHC:037595



7.

It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.
8.

Pending application, if any, shall also be treated as disposed of.

11.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>