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

CRM-M-51239-2025

Date of decision : 12.02.2026

Pankaj @ Panku**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Ranbir Pathania, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.100 dated 16.07.2025, under Sections 21, 22, 61-85 of the NDPS Act and Section 111 of BNS, 2023, registered at Police Station Division No.1, Pathankot.

2. Succinctly facts of the case are that the police party while on patrolling on 16.07.2025, saw two youngsters coming on the Scooty No.PB-35-AC-0428. On seeing the police, they tried to flee. On suspicion, they were stopped and on asking, driver of the Scooty disclosed his name as Vishal Sharma, the person sitting pillion, disclosed his name as Pankaj @ Panku (petitioner). They were suspected to be carrying some contraband. On conducting the search, from the *diggi* of the Scooty, 12.013 gms of heroin was recovered. They failed to produce any license regarding the possession of the same thus, the FIR was registered and they were arrested on the spot. On framing of the charges, trial commenced. Petitioner approached the Court of learned Judge, Special Court, Pathankot, however,



after hearing counsel for the parties, the same was declined vide order dated 28.08.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present petition.

3. It has been submitted by learned counsel for the petitioner that the alleged recovery has been effected from the public place however, no independent witness has been joined. He submits that there is also violation of provisions of Section 50 of the NDPS Act. He further submits that even otherwise, the recovered quantity is non-commercial thus, provisions of Section 37 of the NDPS Act are not attracted. He submits that though petitioner is involved in 03 other cases, however, he is on bail in those case. He submits that co-accused namely, Vishal Sharma has already been granted bail by the learned Judge, Special Court, Pathankot vide order dated 20.08.2025, copy of the said order is placed on record. He thus, submits that in the facts and circumstances of the case, she deserves to be granted regular bail.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner was arrested on the spot. He submits that on due compliance of the statutory provisions of the NDPS Act, recovery was effected from the petitioner. He further submits that petitioner is a habitual offender as he is involved in other cases as well. He submits that case is under investigation. He has placed on record the custody certificate filed by the State shows that petitioner has undergone actual sentence of 06 months and 24 days as on 11.02.2026. It further reflects that though the petitioner is involved in other cases, however, he is on bail in those cases. He has affirmed the fact that co-accused namely, Vishal Sharma has already been granted bail by the learned Judge, Special Court, Pathankot.



5. After hearing counsel for the parties and perusing the record, it is deciphered that the recovery is effected from the *diggi* of the Scooty on which petitioner was riding. Custody certificate filed by the State shows that the petitioner has undergone actual sentence of 06 months and 24 days as on 11.02.2026. It further reflects that though the petitioner is involved in other cases, however, he is on bail in those cases As submitted, co-accused namely, Vishal Sharma has already been granted bail by the learned Judge, Special Court, Pathankot.

6. The veracity of the allegations would be assessed only after 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. 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 and the petitioner is ordered to be released on bail on her 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.

12.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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