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CRM-M-51526-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(216)

CRM-M-51526-2025 (O&M)

Date of decision : 21.01.2026

MOJDIN @ MOJU @ MAUJDIN

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Swaraj Sharma, Advocate and
Mr. Vishal Tartyal, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.104 dated 18.06.2025 registered under Sections 21, 27(A) and 29 of the Narcotics Drugs and Psychotropic Substances Act (for short "NDPS") and Section 111 of Bharatiya Nyaya Sanhita, 2023 (for short "BNS") at Police Station Sujampur, District Pathankot.

2. As per the allegations, on 18.06.2025, the petitioner was apprehended on the basis of suspicion by police party and 57 grams 10 miligrams of heroin and drug money of cash amounting to Rs.600 was recovered from his conscious possession which was taken into custody.

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The petitioner was formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is not required for further investigation. The trial will take considerable time to conclude. The rigors of Section 37 of the NDPS Act are not attracted qua him. His involvement in other cases cannot be considered to be reason for denying benefit of bail to him. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, learned State counsel while placing on record the status report as well as the custody certificate has vehemently argued that the allegations against the petitioner are serious in nature. He is involved in two other cases of similar nature and one under the provisions of BNS. There are chances of petitioner's absconding or committing similar offences, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by counsel for the parties at considerable length.

6. The petitioner is in custody since 18.06.2025. His continued detention is not going to serve any useful purpose. The allegations make out a prima facie case against the petitioner. However, he is in custody for a period of over 07 months. The trial will obviously take time to conclude as only challan has been presented. It is well settled proposition of law that pre-trial incarceration should not be replica of post-conviction sentencing.

Even otherwise bail is the rule and jail is an exception. Taking into



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consideration the above discussed facts but without meaning to make any comments on the merits of the case lest the same prejudice the trial in any manner, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

21.01.2026
Amit Sharma

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