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

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CRM-M-59138-2025 (O&M)
Date of decision: 25.02.2026

Gurpreet Singh @ Gopy**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Avtar S. Khinda, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 32 dated 06.05.2025, registered under Section 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dhilwan, District Kapurthala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 06.05.2025, on the basis of a secret information, the petitioner and co-accused Aman Malik, while coming in a car bearing registration number PB-10-GQ-8100, were apprehended by a police party. The petitioner was driving the said car, whereas co-accused Aman Malik was sitting on the co-driver seat. On conducting search, a heavy black polythene was recovered from the trouser worn by co-accused Aman Malik, which was found to be containing 400 grams of heroin. On interrogation, co-

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accused Aman Malik disclosed that he had been selling heroin since the year 2020. During that period, he got acquainted with one Sandeep Sharma who offered him to buy contraband and on the fateful day, he was going to deliver the recovered contraband to said Sandeep Sharma. The petitioner also suffered disclosure statement to the effect that he was working as a driver for co-accused Aman Malik. Investigation now stands completed and challan has been filed. The petitioner along with the co-accused is facing trial for commission of aforementioned offences

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in the present case. He was employed as a driver by one Happy, who was engaged in the business of plying taxis and it was solely on the instructions of his employer that the petitioner had accompanied the co-accused in the aforesaid car to Jalandhar on the fateful day. The petitioner was neither aware of the possessions of the co-accused nor had any knowledge that the co-accused was involved in any illegal activity. Even the disclosure statement of co-accused Aman Malik would reveal that he has categorically stated that the petitioner had no knowledge of the contraband possessed by him. Furthermore, no recovery whatsoever was effected from the personal search of the petitioner. These circumstances clearly indicate that the petitioner has been falsely implicated in the case. It is further submitted that the petitioner has clean antecedents and has been in custody since 06.05.2025. The investigation has since been completed and the challan has already been presented before the Court. The conclusion of the trial is likely to take considerable time, as there are as many as 15 prosecution witnesses cited but none of whom has been examined so far. In

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these circumstances, no useful purpose would be served by keeping the petitioner incarcerated any longer. Accordingly, it is urged that the present petition deserves to be allowed and the petitioner deserves to be granted the concession of regular bail.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. The petitioner may abscond or involve in committing similar offences again, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. Admittedly, recovery of 400 grams of heroin has been effected from the personal possession of co-accused Aman Malik and not from the petitioner. The petitioner was driving the vehicle at the relevant time and no contraband was recovered from his personal search. The prosecution case against the petitioner rests primarily on his presence in the vehicle and the disclosure statement attributed to him. It is noteworthy that even as per the disclosure statement of co-accused Aman Malik, the petitioner was stated to have no knowledge about the contraband allegedly being carried by the co-accused. At this stage, there is no material on record to prima facie establish that the petitioner was in conscious possession of the recovered contraband or that he shared the common intention or criminal conspiracy as contemplated under Section 29 of the NDPS Act. The petitioner claims to be a driver by profession and asserts that he had accompanied the co-accused on the instructions of his employer. The said assertion cannot be brushed

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aside at this stage and would be a matter of trial. The petitioner has no previous criminal antecedents and has been in custody since 06.05.2025. The investigation stands completed and the challan has already been presented. The trial is likely to take considerable time, particularly when as many as 15 prosecution witnesses have been cited and none has been examined so far. Continued incarceration of the petitioner, in the absence of any recovery from him and without prima facie evidence of conscious possession, would amount to pre-trial punishment. This Court is conscious of the rigours of Section 37 of the NDPS Act. However, keeping in view the role attributed to the petitioner, the absence of recovery from him, clean antecedents, completion of investigation and prolonged custody, this Court is of the considered opinion that the twin conditions under Section 37 of the NDPS Act stand satisfied, at least for the purpose of grant of bail. There is no basis for the apprehension expressed by the learned State counsel that the petitioner may abscond or indulge in similar activities. Keeping in view the discussion as made above, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall

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not change his mobile number(s) during the pendency of the trial.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

25.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No