

2026:PHHC:054600



CRM-M-60911-2025 (O & M)

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(110-2) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60911-2025 (O & M)
Date of Decision:08.04.2026

Jasbir Singh alias Jass

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikas Gupta, Advocate,
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 of BNSS, 2023 is for the grant of regular bail to the petitioner in case FIR No.98 dated 14.04.2025 under Section 21(c), 25, 29 of the NDPS Act, 1985 registered at Police Station Anti Narcotics Force (ANTF), SAS Nagar (Mohali), District ANTF Wing.

2 The brief facts of the case are that Gurbir Singh @ Gopi, Ranjit Singh and Jasbir Singh @ Jass (petitioner) were arrested while travelling on a motor cycle being driven by Gurbir Singh @ Gopi. On search, from the left pocket of trouser of Gurbir Singh @ Gopi, 506 grams of heroin came to be recovered.

5. The learned counsels for the petitioner submit that he was a pillion rider and cannot be said to be in a conscious possession of the contraband when the recovery had been effected from the left pocket of



trouser of the driver-Gurbir Singh @ Gopi. Reliance is placed on the judgments in *Prahlad Singh Versus State of Haryana, (2020) 2 RCR (Criminal) 597, Jorawar Singh Versus State of Punjab, CRM-M-23804-2020 decided on 16.08.2021* and *Nirbhay Singh Versus State of Punjab, CRM-M-48617-2018 decided on 13.11.2018* to contend that when the recovery is being affected from one of the accused riding a two wheeler then the other accused cannot be held to be liable as he cannot be said to be in conscious possession at least for the purposes of the decision of the bail application.

6. On the other hand, the learned State counsel has filed a reply dated 08.04.2026 which is taken on record. While referring to the said reply, he contends that the contraband was recovered from the driver of the motorcycle namely, Gurbir Singh @ Gopi and it cannot be said that the petitioner who was a pillion rider was unaware of the contents of the left pocket of his trouser. Thus, the petitioner does not deserve the concession of regular bail, moreso, when he is an accused in one other case bearing FIR No.79/2025 under Sections 21, 29, 61, 85 of the NDPS Act, Police Station Sector 7, Panchkula.

7. I have heard the rival contentions of both the parties.

In the case of *Prahlad Singh's* case (supra), the bag was in possession of the pillion rider and the driver of the motorcycle was granted the concession of bail.



In the case of Jorawar Singh's case (supra), the petitioner who was a pillion rider was granted the concession of bail, though the driver-Jagsir Singh had also been granted bail.

In the case of Nirbhay Singh's case (supra), the petitioner was driving the motorcycle was granted bail when the recovery was effected from the co-accused Hira Singh, who was a pillion rider and holding a plastic bag.

6. Coming back to the facts of the present case, as has already been mentioned hereinabove, the contraband was recovered from the left pocket of trouser of the driver-Gurbir Singh @ Gopi and it would be a matter of adjudication during Trial as to whether the petitioner was in conscious possession of the same or not. Further, he is an accused only in one case of a similar nature. Therefore, a *prima facie* satisfaction under Section 37 of the NDPS Act can be recorded.

7. In view of the above, as also the fact that the petitioner is an accused only one other FIR, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

8. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail in case FIR No.98 dated 14.04.2025 under Section 21(c), 25, 29 of the NDPS Act, 1985 registered at Police Station Anti Narcotics Force (ANTF), SAS Nagar (Mohali), District ANTF Wing subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

9. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

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10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

March 30, 2026
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No