



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-64920-2025
Decided on : 06.03.2026

Yogesh Kumar . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Randeep Singh Waraich, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Yogesh Kumar	0095	28.09.2025	15/61/85 of NDPS Act, 1985	Phase-08	SAS Nagar (Mohali)

2. As per the case of the prosecution, on 28.09.2025, Officer Incharge, Police Station Phase-08, Mohali, received a secret information that Yogesh Kumar (**petitioner herein**), was standing near the bus stand of Phase-08, Mohali, with a plastic bag in his hand containing poppy husk, and waiting for the perspective buyers. On finding the information correct and reliable, after sending the ruqa FIR in question was registered against the accused (petitioner herein).

3. Learned counsel for the petitioner contends that since the date



of his arrest, petitioner has remained in judicial custody. It is further argued that a false case has been planted against him. The quantity of contraband allegedly recovered from the petitioner is 15.432 kg. of poppy-husk, which is below the threshold of commercial quantity, i.e., 50 kg under the NDPS Act, and therefore falls within the category of non-commercial/intermediate quantity.

Further submits that petitioner is not involved in any other criminal case. Thus, keeping in view his continued incarceration for about 05 months and 00 days and the fact that the trial is not likely to conclude in the near future, petitioner deserves the concession of regular bail.

4. On the other hand, learned State counsel has filed the custody certificate dated 05.03.2026 in Court today, which is taken on record. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel, while opposing the prayer for bail, submits that the recovery of 15.432 kg of poppy-husk has been effected from the possession of the petitioner. Therefore, considering the nature of allegations and seriousness of the offence under the NDPS Act, petitioner does not deserve any leniency.

However, learned State counsel fairly concedes that the recovered quantity falls within the category of non-commercial/intermediate quantity and that the petitioner is not involved in any other criminal case.

6. I have heard learned counsel for the parties and perused the material available on record with their able assistance.

7. Admittedly, the recovery effected from the petitioner is 15.432



kg of poppy husk, which falls below the commercial quantity prescribed under the NDPS Act. Petitioner is in custody since the date of his arrest and has already undergone incarceration for a period of about 05 months and 03 days inside jail.

It is also not disputed that the petitioner is not involved in any other criminal case. The culpability of the petitioner would be determined during the course of trial after appreciation of the evidence to be led by the prosecution.

8. Considering the totality of the facts and circumstances of the case, including the nature of allegations, the quantity involved, the period of custody already undergone by the petitioner and the fact that the trial is likely to take considerable time to conclude, this Court does not deem it appropriate to further curtail the personal liberty of the petitioner for an indefinite period.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in



accordance with law.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

March 06, 2026
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*