



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

203

**CRM-M-67425-2025 (O&M).
Date of Decision: 17.04.2026.**

Mithun Chapadh

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gaurav Kalsi, Advocate for the petitioner.

Mr. Vinay Malhotra, Deputy Advocate General, Punjab.

SANJAY VASHISTH, J. (Oral)

Petitioner-Mithun Chapadh, aged 37 years, has filed this petition under Section 483 of BNSS, 2023, seeking regular bail in case FIR No.118 dated 04.07.2025 under Sections 21(b) and 29 NDPS Act, registered at Police Station Division No.2, District Pathankot.

2. As per the case of the prosecution, co-accused Ajay Kumar @ Dhon and Gulshan Kumar, while were on motorcycle No.PB-35P-8760, were intercepted by the police team and thereupon 23 grams and 25 milligrams of Heroin was recovered from the pocket of Gulshan Kumar. Subsequently, on the basis of disclosure statement of arrested accused, petitioner's name was involved in the case as supplier of the narcotic contraband recovered from the named accused in the FIR.

3. Counsel for the petitioner contends that except from the disclosure statement, in which the petitioner has been nominated as accused,

there is no other substantive evidence creating link of the petitioner with the recovered contraband or with the other co-accused. He further contends that in the present case, petitioner is inside jail for the last 08 months and 21 days and nothing (including any narcotic contraband) has been recovered from his possession after his arrest. Petitioner is nominated as accused in the present case only for the reason that earlier he was involved in 19 other cases under NDPS Act. The petitioner, being already known to the police officials, was nominated in the present case with the sole motive to nominate him in maximum number of cases. Thus, counsel for the petitioner prays for grant of regular bail to the petitioner in the present case.

4. On the other hand, learned State counsel has filed status report dated 08.04.2026 and opposed the bail on the ground that petitioner is habitual offender and he is found involved in total 19 other cases, as detailed in Paragraph 9 of the status report, which is reproduced hereunder:-

Sr. No.	FIR No./Date	Sections	Police Station	Status
1	232/16.07.2011	22 NDPS Act	Indora, District Kangra	Acquitted
2	149/30.07.2015	18,20,21,22 NDPS Act	-do-	Under Trial
3	301/12.12.2016	21,25,29 NDPS Act	-do-	-do-
4	120/19.10.2021	21 NDPS Act	Damtal, District Kangra	-do-
5	100/02.06.2022	-do-	-do-	-do-
6	70/24.07.2019	341,147,149,342,353, 332,186,225 IPC	-do-	-do-
7	02/15.10.2020	21 and 29 NDPS Act	Division No.2, Pathankot	-do-
8	178/25.11.2021	-do-	-do-	-do-
9	155/24.09.2021	27 and 29 NDPS Act	-do-	-do-
10	166/29.09.2021	21 and 29 NDPS Act	-do-	Convicted
11	47/22.05.2014	41 and 44 IPC and 15,18,20,21 NDPS Act	Mamun Cantt., Pathankot	Acquitted
12	06/30.01.2020	21 and 29 NDPS Act	Division No.2, Pathankot	Under Trial
13	152/21.09.2021	-do-	-do-	Acquitted
14	149/16.09.2021	-do-	-do-	-do-
15	177/16.09.2021	-do-	-do-	Under Trial

16	65/07.06.2017	22 NDPS Act	Bhogpur (Jalandhar)	Acquitted
17	02/15.10.2020	21 and 29 NDPS Act	Division No.2, Pathankot	Under Trial
18	22/03.03.2025	21(b), 27-A NDPS Act 111 BNS	-do-	Under Trial
19	66/07.05.2025	21,22,27A,29-61-85 NDPS Act and 111 BNS	Division No.1, Pathankot	Under Trial

Thus, learned State counsel prayed for dismissal of the present petition.

5. I have heard learned counsel for the parties and perused the paper-book as well as status report along with the documents appended thereto.

6. In all other cases, as detailed above, either there is a small quantity or non-commercial quantity. However, except for one case i.e. FIR No.166 dated 29.09.2021 under Sections 21 and 29 of NDPS Act, Police Station Division No.2, Pathankot, the petitioner has not been convicted in any other case.

Considering the above said circumstances in totality, in the present case, nothing was recovered from the possession of the petitioner and already he is inside jail for a period of 08 months and 21 days, out of total 14 prosecution witnesses, none has been examined so far, this Court is of the considered opinion that the petitioner deserves the concession of regular bail. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

Consequently, the present petition is **allowed**. Petitioner is ordered to be released on regular 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.

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

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. 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.

10. **Petition stands disposed of accordingly.**

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

(SANJAY VASHISTH)
JUDGE

17.04.2026

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