

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-72101 of 2025****Date of Decision: 19.02.2026**

Vijay

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Nikhil Batta, Advocate
for the petitioner(s) [Through Video Conference Mode].

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. This petition for bail, which is first petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed with regard to a case arising out of FIR No. 208 dated 13.10.2025, for the commission of offence punishable under Section(s) 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred as “the NDPS Act”, Section(s) 25(7) & 25(8) of the Arms Act, 1959 and Section(s) 111 and 112 of the Bharatiya Nyaya Sanhita, 2023 Police Station Kotwali, District Patiala, Punjab.

2. The FIR of this case came into being at the instance of ‘Inspector/SHO Jaspreet Singh’, who had reported that on 13.10.2025 when he was leading a team of police officials, deputed for usual law and order duty, a Scorpio car bearing registration No. PB-11-CY-3770 carrying four

passengers was intercepted at Ghalori Gate Marrian, Patiala. According to above named police officer, the occupants of the above-mentioned car identified themselves as 'Ajay Kumar', 'Vijay'(petitioner herein), 'Jatin Kumar', 'Sandeep Singh' and 'Rohan'. It was further reported by the above named police officer that while following usual instructions prescribed under the law with regard to search and seizure, the above-mentioned car was searched and from the car 308 grams of 'Heroin', kept near the gear box of the car, was recovered. It was also reported that a .30 bore pistol with two live cartridges was recovered from the possession of 'Ajay Kumar', 9mm pistol with two live cartridges from 'Vijay', .32 bore pistol with two live cartridges from 'Jatin Kumar', .32 bore pistol with two live cartridges from 'Sandeep Singh' and 315 bore country-made pistol with from 'Rohan'.

3. Heard.

4. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case, and that he has no nexus, whatsoever, with the commission of crime. As per learned counsel for the petitioner, in the present case the petitioner has already undergone imprisonment for a period of four months and nothing is left to be recovered from the possession of petitioner.

5. In addition to above, the learned counsel for the petitioner has also contended that in the blatant violation of laid down rules and procedures with regard to search and seizure, the alleged recovery is shown to have taken place. As per learned counsel for the petitioner, the malafide intention of the police officer can be traced from the fact that with regard to FIR No.

120 dated 28.08.2024 the family members of 'Ajay Kumar' were being

harassed and for protection, the petitioner and his family members had filed a writ petition in this Court, which was decided by on 13.10.2025 and a direction was given to the Senior Superintendent of Police to dispose of the representation filed by the petitioner and his family members. As per learned counsel for the petitioner on the same day the present FIR was slapped.

6. The learned State counsel has controverted the above-mentioned arguments. It has been contended by learned State counsel that in the present case, there are very specific and categorical allegations against the petitioner that he along with other co-accused was travelling in a car and from the above-mentioned car the alleged contraband and five weapons were recovered. As per learned State counsel the recovery of weapon coupled with the presence of petitioner in the car makes it abundantly clear that he was very well aware of the presence of contraband in the car which amounts to his conscious possession.

7. In addition to above, the learned State counsel has also contended that the recovery of contraband from the car comes within the ambit of commercial quantity and therefore, rigors of Section-37 of the NDPS Act are applicable in the present case. As per learned State counsel, unless the twin conditions enshrined under Section-37 of the NDPS Act are complied with, the petitioner should not be enlarged on bail.

8. The record has been perused carefully.

9. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken into consideration for decision:-

i) *firstly*, that the recovery of contraband from the car

wherein the petitioner was travelling comes within the ambit of commercial quantity and therefore, rigors of Section-37 of the NDPS Act are applicable in the present case;

- ii) *secondly*, that there is nothing on record to show that the petitioner has been able to satisfy any of the twin conditions prescribed under Section-37 of the NDPS Act;
- iii) *thirdly*, that the petitioner does not have clean antecedents as earlier also he was prosecuted for similar nature of offence; and
- iv) *fourthly*, that the custody period of the petitioner is not large enough which may invite an inference that due to long incarceration there is a scope for relaxation of conditions enshrined under Section-37 of the NDPS Act.

10. As a sequel to above mentioned observations, it is hereby held that the petitioner is not entitled for the benefit of bail and the present petition filed by the petitioner, being devoid of merits, deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

(Surya Partap Singh)
Judge

February 19, 2026
“DK”

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