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**251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-73354-2025

Date of Decision: 12.01.2026

Bikram Kumar @ Bunty @ Vikram Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dilpreet Singh Gandhi, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.27 dated 23.02.2025, registered under Sections 21, 61, 85 of NDPS Act, 1985 (Sections 21-C, 25, 27-A, 29 of the NDPS Act added lateron), at Police Station 'A' Division, Amritsar.

2. Succinctly, facts of the case are that on 23.02.2025, the police party while on patrolling received a secret information to the effect that Rohit Kumar @ Lobhi is involved in selling heroin. It was informed that he has to come in his car No.PB02-DS-1992 to sell the heroin to his customers. In case of barricading, he could be arrested alongwith the contraband. On receiving the information, barricading was laid. A car as disclosed in the secret information was seen coming. The same was stopped. On asking, the driver of the car disclosed his name to be Rohit Kumar @ Lobhi. He was suspected to be carrying some contraband in the car. Thus, search of the car was conducted. On conducting search, 417 grams of heroin and drug money of Rs.23,400/- were recovered from the dash board of the car. He failed to produced any licence regarding the possession of the same, and thus, on



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registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. During the investigation, he made a disclosure statement about the complicity of the petitioner as supplier of the contraband recovered from him. Thus, the petitioner was also arrayed as an accused. The police conducted raid for his arrest and on 21.04.2025, the petitioner was arrested and another 30 grams of heroin was recovered from him. On completion of investigation, challan was presented. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 30.07.2025. Aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-44984-2025, however, the same was allowed to be dismissed as withdrawn vide order dated 25.08.2025. Thereafter, the petitioner again approached learned Judge, Special Court, Amritsar, for the grant of regular bail, however, the same was dismissed vide order dated 12.11.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner has been named in the secret information, nor any recovery has been effected from him. However, alleged recovery of 417 grams of heroin and drug money of Rs.23,400/- were recovered from the co-accused. He submits that it is on the disclosure statement of the co-accused, the petitioner has been implicated in the present



case. He submits that 30 grams of heroin has been falsely planted upon the petitioner. Even otherwise, the alleged recovery from the petitioner is 30 grams of heroin, which falls under the non-commercial quantity. He further submits that the petitioner is deliberately implicated in various cases by the Police, however, he is on bail in all those case. He, thus, submits that the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that the petitioner is a habitual offender, who has been involved in 13 other cases. He submits that 417 grams of heroin was recovered from the co-accused and the petitioner was found to be the supplier of the same. Thereafter, recovery of another 30 grams of heroin was also effected from the petitioner and thus, the quantity of heroin recovered in the present case, is a commercial one and thus, provisions of Section 37 of the NDPS Act, are attracted. On instructions, he has submitted that only challan is presented and charges are yet to be framed. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused on the basis of disclosure statement of the co-accused Rohit Kumar @ Lobhi, from whom 417 grams of heroin was recovered. From the petitioner, 30 grams of heroin was recovered. However, this Court would refrain itself from commenting anything regarding the weigh of the contraband recovered whether it is commercial or non-commercial, as the same would lie in the domain of the trial Court. However, it is an admitted fact that name of the petitioner was



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surfaced in the present case on the basis of disclosure statement of the co-accused. The custody certificate would show that the petitioner has suffered incarceration of 08 months & 16 days as on 10.01.2026. It further shows that the petitioner is facing prosecution in 14 other cases, however, he is on bail in all cases except one case.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald



Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.01.2026
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No