



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-55265-2025 (O&M)

Mahesh @ Jatin

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	17.03.2026
2	The date when the judgment is pronounced	18.03.2026
3	The date when the judgment is uploaded on the website	18.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. S. Sekhon, Senior Advocate with
Mr. Guraziz Singh Dhillon, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition is made for grant of regular bail to the petitioner in case bearing FIR No. 81 dated 28.05.2025, registered under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Tibba, District Ludhiana.

2. Brief facts of the case relevant for the disposal of the present petition are that on 28.05.2025, the petitioner along with co-accused Sonu

2026:PHHC:041856



Thakur and Abhishek Gautam @ Kau, while coming on an Activa scooter bearing registration number PB-10-HG-8463, was apprehended by a police party and recovery of 01 kg. of heroin was effected from a polythene bag which the co-accused Sonu Thakur had thrown on the ground, on seeing the police party. From personal search of the petitioner, a small electronic weighing machine was recovered. They were formally arrested. The above said scooter was also taken into possession by the police. They suffered disclosure statements admitting their involvement in the subject offences. The petitioner disclosed that he used to purchase heroin from co-accused Sonu Thakur and used to sell the same to others on profit. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery was planted upon him and co-accused. He is not involved in any other case of similar nature. No contraband was recovered from personal search of the petitioner. The recovery of contraband, if any, was effected from co-accused Sonu Thakur. Mandatory provisions of Sections 42 and 50 of the NDPS Act were not properly complied with by the police. Even otherwise, investigation has since been completed and challan has been presented. The trial is likely to take a long time as even charges have not been framed so far. The petitioner is in custody since 28.05.2025. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Reply has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the

2026:PHHC:041856



petitioner, his criminal antecedents as well as the fact that recovery of commercial quantity of heroin was effected from him and co-accused, he is not entitled to get benefit of bail as the rigors of Section 37 of the NDPS Act would be attracted in this case. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the allegations, the petitioner along with the abovenamed co-accused was apprehended by the police party on 28.05.2025 and recovery of commercial quantity of heroin, i.e. 01 kg., was effected from them. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. There is nothing on record, at this stage, to show that the petitioner did not commit the subject crime or would not indulge in similar offences if released on bail. As regards the arguments advanced by learned counsel for the petitioner with regard to recovery non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition. Investigation has since been completed and challan has been filed. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

2026:PHHC:041856



7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

18.03.2026

Wassem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No