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

CRM-M-20189-2026 (O&M)

Date of Decision: 21.04.2026

Vickramjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manminderjit Singh, Advocate and
Mr. Tarun Chawla, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The petitioner seeks grant of regular bail under Section 483 BNSS in case bearing FIR No.273 dated 10.10.2025 under Section 21 of the NDPS Act, 1985, registered at Police Station ANTF, District Fazilka.

2. As per the prosecution case, Gurpreet Singh was the driver of a motor-cycle and the petitioner-Vickramjeet Singh was a pillion rider thereof. The recovery of 355 grams of heroin was effected from the right pocket of the jeans worn by Gurpreet Singh.

3. The learned counsel for the petitioner submits that the petitioner was a pillion rider and cannot be said to be in a conscious possession of the contraband when the recovery has been allegedly effected from a packet recovered from the right pocket of jeans of the driver-Gurpreet Singh.



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Reliance is placed on the judgments in *Prahlad Singh Versus State of Haryana, (2020) 2 RCR (Criminal) 597, Jorawar Singh Versus State of Punjab, CRM-M-23804-2020 decided on 16.08.2021* and *Nirbhay Singh Versus State of Punjab, CRM-M-48617-2018 decided on 13.11.2018* to contend that when the recovery is being affected from one of the accused riding a two wheeler then the other accused cannot be held to be liable as he cannot be said to be in conscious possession at least for the purposes of the decision of the bail application.

4. On the other hand, the learned State counsel contends that the contraband was recovered from the driver of the motorcycle namely, Gurpreet Singh and it cannot be said that the petitioner who was a pillion rider was unaware of the contents of the bag. Thus, the petitioner does not deserve the concession of regular bail.

5. I have heard the rival contentions of both the parties.

In the case of *Prahlad Singh's* case (supra), the bag was in possession of the pillion rider and the driver of the motorcycle was granted the concession of bail.

In the case of *Jorawar Singh's* case (supra), the petitioner who was a pillion rider was granted the concession of bail, though the driver-Jagsir Singh had also been granted bail.

In the case of *Nirbhay Singh's* case (supra), the petitioner was driving the motorcycle was granted bail when the recovery was effected from the co-accused Hira Singh, who was a pillion rider and holding a plastic bag.



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6. Coming back to the facts of the present case, as has already been mentioned hereinabove, the bag containing heroin was recovered from the right pocket of jeans of the driver-Gurpreet Singh and it would be a matter of adjudication during Trial as to whether the petitioner was in conscious possession of the same or not. Further, he is not an accused in any other case of a similar nature. Therefore, a *prima facie* satisfaction under Section 37 of the NDPS Act that he has not committed an offence and is not likely to commit one in future can be recorded.

7. In view of the above, as also the fact that the petitioner is not an accused in any other FIR, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

8. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail in case 273 dated 10.10.2025 under Section 21 of the NDPS Act, 1985, registered at Police Station ANTF, District Fazilka, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

9. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(JASJIT SINGH BEDI)
JUDGE

21.04.2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No