



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

221

CRM-M-26472-2026(O&M)

Date of decision: 14.05.2026

Arshpreet @ Machar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Raghav Soni, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr.DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant first petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.150 dated 04.08.2025 registered under Sections 21-C, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Chheharta, District Amritsar.

2. Briefly summarized, the facts of the present case are that co-accused Harmesh Singh @ Meshi was accompanied by the petitioner and on seeing the police party said Harmesh Singh @ Meshi threw a polythene bag. Accordingly, they were apprehended by the police and on search of the said polythene bag, 300 grams of heroin was recovered.

4. Learned counsel appearing on behalf of the petitioner contends that the contraband in question was recovered from a polythene bag held by co-accused Harmesh Singh @ Meshi and the only allegation against the petitioner is to the effect that he was standing alongwith Harmesh Singh @ Meshi. No recovery of any nature whatsoever has been effected from the petitioner and he is in custody since 04.08.2025. The investigation in the present case is already complete and there are 16 witnesses cited by the prosecution out of which none



has been examined so far and as such, the trial is likely to take long to conclude.

4. Learned State Counsel contends that the petitioner was standing along with the co-accused and they threw the contraband on seeing the police party, hence, the presumption under the NDPS Act would be applicable against the petitioner as well regarding awareness of the contents of the said polythene. He however does not dispute that no actual recovery has been effected from the petitioner or on his disclosure in the present case. The period of custody as well as the stage of trial are also not disputed.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended along with the present petition.

6. Taking into consideration the period of custody already undergone by the petitioner, the nature of allegations levelled against him, the role attributed to him, the absence of recovery as well as the stage of trial and noticing that there would be arguable issues pertaining to the conscious possession of the petitioner with respect to the contraband, I deem it appropriate to allow the present petition.

7. The instant petition is *allowed* and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.



9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

10. Pending application(s), if any, shall stand disposed of.

14.05.2026

(VINOD S. BHARDWAJ)

Sumit Gusain

JUDGE

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