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

CRM-M-35554-2025

Date of decision : 14.07.2025

Aman Kumar @ Ammu

....Petitioner

versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Malkiat S. Hundal, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed for grant of regular bail in case FIR No.41 dated 12.04.2025, under Sections 21(b),61,85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Khemkaran, Tarn Taran.
2. Succinctly the facts of the case are that the Police party while on patrolling on 12.04.2025 saw a person walking on Mehndipur bridge. On seeing the police, he got perplexed and by taking out a transparent envelope from his pocket threw it on the roadside. On suspicion, he was stopped by the police party and on asking he disclosed his name as Aman Kumar @ Ammu S/o Kishore Kumar (present petitioner). Some contraband was suspected to be carrying in the envelope thrown by him on the roadside and thus, on giving the offer, the same was searched and it was found containing 6.19 grams of heroin. He failed to produce any license regarding possession of the same and hence, the FIR was registered and the petitioner was arrested on spot. The investigation commenced. The petitioner approached the Learned Judge, Special Court,



Tarn Taran praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Tarn Taran vide order dated 16.05.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the recovery of 6.19 grams of heroin has been planted upon the petitioner. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the compliance of Section 50 of NDPS Act, is mandatory, however, there is violation of the same as well. He submits that though the petitioner has been falsely prosecuted in 02 more cases, however, he is on bail in those cases. He submits that investigation is already complete and the alleged recovery effected is marginally above the small quantity. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the recovery effected from the petitioner is on due compliance of the provisions of Section 50 of NDPS Act. He submits that the recovery effected falls under the category of non-commercial quantity. He, on instructions, has submitted that the investigation is already complete and the challan has been presented. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on



08.04.2025. The alleged recovery effected from the petitioner is 6.19 grams of heroin, which is marginally above the small quantity. As submitted before this Court, investigation is already complete and challan has also been presented. As per custody certificate, the petitioner has suffered an incarceration of 02 months and 28 days as on 11.07.2025. It further shows that the petitioner is involved in 02 more cases, however, he is on bail in those cases.

6. The veracity of the allegations would be assessed only after 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 sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

14.07.2025

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( **RAJESH BHARDWAJ** )  
**JUDGE**

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