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

CRM-M-66678-2025

Date of Decision: 19.03.2026

HARMANDEEP SINGH @ HARMAN

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Abhaysher Singh, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The petitioner seeks grant of regular bail under Section 483 BNSS in case bearing FIR No.45 dated 22.04.2025 registered under Section 21 of NDPS Act (Section 29 of the NDPS Act added later on) at Police Station Kulgarhi, District Ferozepur, Punjab.

2. The brief facts of the case are that while the police party was on patrolling duty in Village Sande Hasam, a special informant gestured by his hand towards Harmandeep Singh (petitioner) and Gurwinder Singh alias Lucky carrying a bag on their motorcycle bearing No.PB-47-F-4843. They were waiting for someone near the canal of village Yare Shah Wala on the Ferozepur, Zira Road. The search of the bag revealed 1.5 kgs of heroin along with drug money of Rs.7,24,000/-.



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3. The learned counsel for the petitioner submits that the petitioner was merely sitting on the motorcycle as a pillion rider and cannot be said to be in conscious possession of the contraband, particularly when the recovery was effected from a bag. Reliance is placed on the judgments in *Prahlad Singh Versus State of Haryana, (2020) 2 RCR (Criminal) 597, Jorawar Singh @ Gora 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 effected from one of the accused riding a two wheeler then the other accused cannot be said 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 motorcycle of Gurwinder Singh alias Lucky the driver 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.



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In the case of **Jorawar Singh @ Gora's** case (supra), the accused 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 accused who 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.

6. Coming back to the facts of the present case, as has already been mentioned hereinabove, the bag was in the possession of the driver of the motorcycle and it would be a matter of adjudication during Trial as to whether the petitioner who was a pillion rider was in concession possession of the same or not.

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 FIR No.45 dated 22.04.2025 registered under Section 21 of NDPS Act (Section 29 of the NDPS Act added later on) at Police Station Kulgarhi, District Ferozepur, Punjab subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial



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Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

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

(JASJIT SINGH BEDI)
JUDGE

19.03.2026

JITESH

Whether speaking/reasoned Yes/No

Whether reportable Yes/No