



2026:PHHC:049912

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

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CRM-M-4906-2026.

Date of Decision: 01.04.2026.

Tushar

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gaurav Kalsi, Advocate for the petitioner.

Mr. Vinay Malhotra, Deputy Advocate General, Punjab.

SANJAY VASHISTH, J. (Oral)

Petitioner-Tushar, aged 19 years, has filed the present petition under Section 483 of BNSS, seeking regular bail in case FIR No.51 dated 15.05.2025 under Sections 21 and 27-A of NDPS Act, registered at Police Station Taragarh, District Pathankot.

2. While patrolling, police team doubted some occupants in one car bearing registration No.DL-01-ZB-8799, Swift Dzire, and thereon, driver of the car disclosed his name as Gaurav and the boy sitting beside him, told his name as Tushar (petitioner herein). Upon search of the car, one wax envelope was recovered from the dashboard of the car, and on opening the same, was found containing 260 grams of heroin. Apart this, from the seat cover behind the driver seat, Rs.670/- was also recovered as drug money.

2. Learned counsel for the petitioner argues that petitioner has been falsely involved in the present case, as he has no connection either with the



car or the heroin recovered from the dashboard of it. Even if the allegations are taken to be true and correct on its face value, it cannot be assumed that petitioner was having any knowledge/conscious possession of the recovered heroin from the dashboard. Therefore, he being inside jail for the last more than a period of 10 months, is entitled for regular bail in the present case.

3. On the other hand, learned State counsel argues that quantity of contraband recovered from the car driven by his co-accused is commercial, therefore, in all probability, it cannot be assumed that petitioner is innocent being not in knowledge of the recovered heroin, as it could not be noticed while simply sitting in the car, without having any control of it.

4. I have heard learned counsel for the parties and perused the paper-book along with the documents appended thereto.

5. Petitioner is a young boy of the age of 19 years and in the present case is inside the jail for a period of 10 months and 14 days. The fact, whether the petitioner was having any knowledge/conscious possession of the narcotic contraband, is a fact which would be determined by the trial Court at the time of deciding the trial by examining the complete set of evidence produced before it.

6. Considering these circumstances in totality and the nature of allegations, present petition is **allowed**. The petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial



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Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

**(SANJAY VASHISTH)
JUDGE**

01.04.2026

jitender

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No