

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

CRM-M-44087-2022 (AB)  
Date of Decision:-**20.12.2022**

SHAMSHER SINGH @ BABA

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

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**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

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Present:- Mr. Shivender Pal, Advocate for  
Mr. B.S. Bhalla, Advocate  
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

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**KARAMJIT SINGH, J.** (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.215 dated 6.7.2022 registered under Sections 21/29 of NDPS Act, at Police Station Maqboolpura, District Amritsar.

As per the allegations appearing on the record, police recovered 9 grams of Heroin from co-accused Sukhchain Singh who was arrested by the police on 6.7.2022 and during investigation he disclosed that he purchased the said contraband from co-accused Lakhbir Singh, who further named the present petitioner.

The counsel for the petitioner submits that the petitioner has joined investigation with the police by virtue of previous order dated 23.9.2022 passed by this Court.

State counsel on instructions from SI Jaspal Singh has not refuted the aforesaid assertions made by counsel for the petitioner and submits that petitioner who has associated with the investigation is not required by police for further investigation or for custodial interrogation.

Admittedly the present case being related to recovery of non-commercial quantity of contraband that too from co-accused Sukhchain Singh, embargo provided under Section 37 of NDPS Act is not applicable in the present case, the reason being aforesaid recovery comes under non-commercial quantity of contraband, as per the provisions of NDPS Act.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 23.9.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

**20.12.2022**  
Gaurav Sorot

**( KARAMJIT SINGH )**  
**JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No