

2024:PHHC:069595



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23693-2024 (O&M)
Date of Decision:-17.5.2024

Pawan Singh @ Pamma ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Umesh Aggarwal, Advocate for the petitioner.
Mr. Arjun Sheoran, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
213	16.8.2022	Jandiala, Amritsar	21/21(b), wherein offence under Section 27-A of NDPS Act was added later on.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The allegations, in nutshell, are that the petitioner was found in possession of 15 grams of ‘heroin’ apart from an amount of Rs.40,000/- alleged to be proceeds on account of drug trafficking.
3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that, in any case, the recovered quantity would fall in the category of ‘non-commercial’ quantity. It has further been submitted that there is no evidence to establish that the amount recovered



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from the petitioner could be termed as drug money and that infact the same is his own personal amount and is his hard earned money.

- 4. Opposing the petition, learned State counsel submitted that it is a case where Section 27-A of NDPS Act has been added and, as such, the fetters imposed by Section 37 of NDPS Act would apply. It has further been submitted that the petitioner also stands convicted in one more case under NDPS Act, which also pertained to recovery of 15 grams ‘heroin’ wherein the petitioner has already undergone the imposed sentence of one month.
- 5. This Court has considered rival submissions addressed before this Court.
- 6. While the factum of recovery of 15 grams of ‘heroin’ from the petitioner can be said to be *prima-facie* borne out from that fact that he was caught red handed, but the allegations that the recovered amount is drug money, would require to be established. In any case, since it is a case of recovery of ‘non-commercial’ quantity of contraband and challan already stands presented and none of the PW has been examined till date, it goes without saying that conclusion of trial is likely to consume time. Under these circumstances, further detention of the petitioner will not serve any useful purpose.
- 7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.5.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

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