



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

CRM-M-41236-2024
Date of Decision: 30.08.2024

Balvir Singh		...Petitioner
	vs.	
Union of India Narcotics Control Bureau Chandigarh		...Respondent

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : Mr. Daljeet Singh Kahlon, Advocate
 for the petitioner. (through VC)

 Dr. Anju Sharma, Advocate
 for the respondent.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case NCB Crime No.07/2024 dated 19.04.2024, complaint dated 20.07.2024 registered under Sections 8/18/23, 29 of NDPS Act, 1985 at Police Station NCB, Chandigarh Zone by the Narcotics Control Bureau, Chandigarh.
2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, the brother of the petitioner, namely, Jagir Singh had sent the courier to Gurlal Singh, resident of Australia on the asking of the Gurpreet Singh and the total quantity of opium recovered in the present case is 175 grams. He further contends that the quantity of opium is non-commercial in nature and the rigors of Section 37 of the NDPS Act would not apply to the



facts of the present case. Learned counsel for the petitioner further contends that since the complaint has been filed in the present case, the custodial interrogation of the petitioner will not be required in the present case. The petitioner is in custody for the last 03 months and is the first offender.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. It is apparent from the record of the case that the total quantity recovered in the present case is 175 grams, which is non-commercial in nature. Thus, the provisions of Section 37 of the NDPS Act would not apply to the facts of the present case. Moreover, the petitioner is in custody for the last 03 months and his further custody will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

30.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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