



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

234**CRM-M-46497-2024****Date of Decision: 23.09.2024**

Gursewak Singh @ Sewak

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Raghav Soni, Advocate, for the petitioner.

[Mr. M. S. Bajwa, DAG, Punjab.](#)**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.86 dated 15.06.2024 registered under Sections 21-B, 27-A, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 IPC at Police Station Chheharta, District Amritsar (Annexure P-1).

2. Learned Counsel for the petitioner submits that the petitioner has been falsely involved in the present case. It has been alleged that 100 grams of heroin and the drug money to the tune of Rs.2,630/- was allegedly recovered from the petitioner. He further contends that the recovery of contraband from the present petitioner falls within the ambit of “non-commercial quantity”. The petitioner was arrested in the present case on 15.06.2024 and is in custody since

then. He further contends that the investigation against him almost complete and the challan is likely to be presented before the Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. No doubt, three more cases under various provisions of Indian Penal Code and Arms Act were registered against the petitioner, but petitioner was never involved in any other case under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985. Even the recovery of contraband from the present petitioner was “non-commercial” in nature. The petitioner was arrested on 15.06.2024 and is in custody since then. The trial is not is not likely to be concluded in the near future.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

23.09.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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