

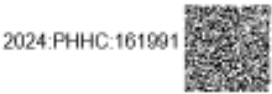
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 04.12.2024

...Respondent

N.S.Shekhawat J. (Oral)

2. Learned counsel for the petitioner contends that as per case of the prosecution, 10 grams of heroin was allegedly recovered from the petitioner. Apart from that, a sum of Rs.2,64,000/- was also planted on the present petitioner, just to make the offence graver. He further contends that the quantity of contraband allegedly recovered from the petitioner falls within the ambit of 'non-commercial quantity' and the bar contained in Section 37 of the NDPS Act would not apply to the facts of the present case. The petitioner was arrested in the present case on 05.07.2024 and is in custody since then. He further submits



that the petitioner was never involved in any other criminal case and deserves to be enlarged on bail.

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 not in dispute that the quantity of contraband recovered from the petitioner falls within the ambit of ‘non-commercial quantity’ and consequently, the bar contained in 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 about 5 months and after completion of the investigation, challan has already been presented against him.

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.

04.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No