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

**CRM-M-63154-2024
Date of Decision:19.12.2024**

JAGIR SINGH @ RAJU**...PETITIONER****VS.****STATE OF PUNJAB****...RESPONDENT****Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, with a prayer to grant regular bail to him in case FIR No.39 dated 19.09.2024, registered under Section 21 of NDPS Act 1985 (Section 29 of NDPS Act was added later on), Police Station Amir Khas, District Fazilka.

2. Learned counsel for the petitioner contends that 155 grams of heroin and the drug money of Rs.3,00,000/- were allegedly recovered from the petitioner by the police. In fact the quantity of contraband falls within the ambit of "non commercial quantity" and the rigors of Section 37 of the NDPS could not be applied to the facts of the present case. Still further, the petitioner was arrested in the present case on 19.09.2024 and is in custody for the last more than 3 months. After completion of investigation, the challan has already been



presented against him and no witness has been examined so far. He further contends that the mandatory provisions of the NDPS Act was not complied with relating to the search and seizure of the contraband.

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. In the present case, the quantity of heroin falls within the ambit of “non commercial quantity” and the provisions of Section 37 of the NDPS Act may not apply to the facts of the present case. The petitioner is in custody for the last more than 3 months and further custody of the petitioner will not serve any meaningful purpose.

6. Without discussing any further 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.

19.12.2024
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(N.S. SHEKHAWAT)
JUDGE

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