

**CRM-M-4011-2025****-1-****(217)****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-4011-2025****Date of Decision: 06.08.2025****JODHA SINGH ALIAS JOHNY****... Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Neeraj Yadav, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.0119 dated 03.07.2024 registered under Sections 21(C), 61, 85 of NDPS Act at Police Station Gate Hakima, Amritsar.

2. The brief facts of the case are that the petitioner came to be apprehended with 503 grams of heroin.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the Act regarding search and seizure. As the petitioner is in custody since 03.07.2024 and none of the 12 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends

**CRM-M-4011-2025****-2-**

that other than the instant case, the petitioner is an accused in another FIR No.260 dated 05.12.2023 U/s 21/25/29 of NDPS Act, P.S. Gharinda. Being a habitual offender the satisfaction required to be recorded under Section 37 of NDPS Act of the accused not having committed the offence and not likely to commit one in future cannot be recorded. Therefore, he is not entitled to the concession of bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, commercial quantity of contraband was recovered from the possession of the petitioner. He is an accused in another FIR under the NDPS Act. In this situation the satisfaction to be recorded in terms of Section 37 of the NDPS Act, that the petitioner has not committed an offence and is not likely to commit one in future cannot be recorded.

7. In view of the above, I find no merits in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

06.08.2025

JITESH

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