

2025:PHHC:082040



218 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**(1)**

**CRM-M-4874-2025**  
**Date of Decision:09.07.2025**

Samual alias Sam ...Petitioner

## Versus

State of Punjab ...Respondent

and

218(2)

**CRM-M-4877-2025**

Prince alias Katta ...Petitioner

## Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**Present:** Mr. Hitesh Chopra, Advocate and  
Mr. Amit Kumar, Advocate  
for the petitioner(s) in both the petitions.

Ms. Simran Goria, AAG, Punjab.

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**RAJESH BHARDWAJ, J. (ORAL)**

1. By way of this common order, I intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present petition praying for granting regular bail in case FIR No.79 dated 07.12.2024 under Sections 21/27-A/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Qadian, District Gurdaspur.

3. Succinctly, facts of the case are that on 07.12.2024, while the police party was on patrolling, saw one white colour Verna car bearing registration number HR-26-DY-9196 and two boys were standing near the car. On seeing the

police, they perplexed and tried to escape, however, one of the boy trying to run was overpowered by the police party and other boy tried to slip away while occupying the car, was nabbed. The boy, who tried to escape by running threw a polythene envelope, which was picked up by the police party. On asking, they disclosed their names Samual alias Saim (petitioner in CRM-M-4874-2025) and Prince alias Katta (petitioner in CRM-M-4877-2025). Both were suspected to be carrying some contraband. Their search was conducted and from the polythene envelope 20 grams of heroin was found and from the personal search of Samual alias Sam, Rs.5000/- (drug money) was also recovered. They failed to produce any licence regarding possession of the same. Hence, they were arrested on the spot and on registration of the FIR, the investigation commenced and recovered substance was sent to the FSL lab and the challan was presented. On framing of charges, the trial commenced. Both the petitioners approached the Court of learned Judge, Special Court, Gurdaspur praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by both the petitioners vide orders dated 14.01.2025. Hence, the petitioners have approached this Court praying for grant of bail by way of filing the present petitions.

4. It has been contended by learned counsel for the petitioners that the petitioners have been roped falsely and frivolously in the present case. He further submits that the alleged recovery has been effected from a public place, but independent witness has not been joined. He submits that personal search of the petitioner was also carried out and thus, there is violation of Section 50 of the NDPS Act as well. He submits that even otherwise the alleged recovery from both the petitioners is of 20 grams of heroin which falls under the non-commercial quantity and provision of Section 37 is not attracted in the present case. It is submitted that the petitioners have completed incarceration of about 06 months.

He, thus, submits that in view of the facts and circumstances of the case, the petitioners deserve to be granted bail.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. She has submitted that on due compliance of Section 50 of the NDPS Act, recovery of 20 gms. of heroin was effected from the petitioners. She submits that petitioner Samual @ Sam is a habitual offender and is involved in 05 other more cases whereas petitioner Prince @ Katta is involved in one case. On instructions, she submits that investigation is complete and challan has been presented in the instant case. She has placed on record the custody certificates of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the recovery allegedly effected from the petitioners is of 20 grams heroin, which is non-commercial quantity and thus, provision of Section 37 is not attracted. Challan has already been presented. They have suffered incarceration of about 06 months as on 08.07.2025. Though the custody certificate produced would show that petitioners are involved in other cases, however, it is no ground for non-consideration of their bail petitions.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioners succeeds in making out a case for grant of regular bail to the petitioners.

8. Accordingly, the present petition(s) is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. However, if the

petitioners do not furnish the bail bonds within 07 days from today, then their further custody period after one week will not be counted in this case.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10. A photocopy of this order be placed on the file of another connected case.

**09.07.2025**  
*Parveen kumar*

**(RAJESH BHARDWAJ)**  
**JUDGE**

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