



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

234

CRM-M-12231 of 2025

Date of decision: 24.07.2025

Adarsh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. K. S. Dadwal, Advocate, for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

H.S. GREWAL, J. (Oral)

1. The petitioner is seeking regular bail under Section 483 BNSS, 2023 in case FIR No.116 dated 08.07.2024, under Sections 21 of the NDPS Act, 1985, registered at Police Station Garhshankar, District Hoshiarpur.
2. The case of the prosecution is that 518 grams heroin was found in possession of present petitioner from the dashboard of the car.
3. Learned counsel for the petitioner submits that the mandatory requirement of Section 50 of the NDPS Act has not been followed as the offer that was made for search under Section 50 of the NDPS Act to the present petitioner, did not contain the word 'Gazetted Officer' and the offer was made for search by only Magistrate, therefore, as per judgment of the Hon'ble Supreme Court of India in the case of **State of Rajasthan Vs. Parmanand and Another 2014 6 SCC 292**, the trial would be vitiated on partial offer. In view of the same, petitioner be released on bail pending trial.
4. Notice of motion.
5. Mr. Gautam Thapar, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State. Learned State counsel vehemently opposes the prayer



for grant of regular bail to the petitioner. He has filed the custody certificate in the Court today, which is taken on record. As per custody certificate, the petitioner is in custody for 01 year and 12 days.

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

7. In view of the above submissions of learned counsel for the parties and considering the custody period undergone by the petitioner and in view of the judgment of the Hon'ble Supreme Court in case of **Parmanand (Supra)**; the continuous detention of the petitioner would not serve the ends of justice. Keeping in view the facts and circumstances of the present case, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. However, it is made clear that in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of his bail.

(H.S. GREWAL)
JUDGE

24.07.2025
anil

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