



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-16414-2025 (O&M)
Date of Decision:- 29.05.2025

GABRIAL ALIAS GABBY

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Karanjit Singh, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 27.05.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Anti-Narcotics Task Force, Jalandhar Range, Jalandhar is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
04	09.01.2024	21(c) and 29 NDPS Act	Special Task Force, District STF Wing (SAS Nagar)

4. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that the alleged recovery effected from the petitioner has been planted upon him and the petitioner has no concern with the same. He submits that the petitioner is in custody since 09.01.2024 and after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the petitioner was apprehended by the police and commercial quantity of contraband was recovered from his conscious possession. Thus, keeping in view the provisions of Section 37 of the NDPS Act, the petitioner does not deserve the concession of bail. Hence, prayed for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the basis of secret information that the petitioner along with the co-accused are indulging in the business of selling heroin and can be apprehended if a raid is conducted. Thereafter, on the basis of said secret information, a raid was conducted and 02 persons were seen standing next to the car, who, on seeing the police party, tried to run away but were apprehended by the Police party. However, the person sitting on the driver seat fled away from the spot in his car. The aforesaid two persons disclosed their names as Sahil Gill and Gabrial @ Gabby (petitioner herein). Upon their personal search, 400 grams of heroin was recovered from co-accused Sahil Gill, while 300 grams of heroin was



recovered from the conscious possession of the petitioner. Accordingly, the petitioner was arrested on 09.01.2024 and since then he is in judicial custody. The recovery of 300 grams of heroin, recovered from the conscious possession of the petitioner, falls within the ambit of commercial quantity, thus, hit by the rigors of Section 37 of the NDPS Act.

7. Therefore, in these circumstances, considering the serious nature that commercial quantity of contraband has been recovered from the conscious possession of petitioner, he is not entitled to the concession of bail at this stage. Accordingly, the present petition is dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

29.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No