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

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**CRM-M-17827-2025 (O&M)**  
**Date of decision: 01.08.2025**

**Ajaybeer Singh @ Billa****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

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

Mr. Vivek Sharma, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 165 dated 24.10.2022, registered under Sections 21(c) of the NDPS Act, 1985 at Police Station Sangat, District Bathinda.
2. Brief facts of the case relevant for the disposal of the present petition are that on 24.10.2022, the petitioner, co-accused Sahil Mattu and Ashwani Kumar, while coming in a car bearing registration number PB-08-BD-9080, were apprehended by a police party and recovery of 03 kgs. of heroin was effected from them. They were formally arrested at the spot. Upon interrogation, Satinder Singh @ Kala Falahi, Gurdeep Singh @ Deep, Gobind Giri @ Goswami @ Baapji and Amaritjeet Singh were nominated as accused in this case. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence. He had moved

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an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 21.11.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner and co-accused, was planted by the police officials. Mandatory provisions of the NDPS Act were not complied with. The story put forth by the police party is concocted one. Even otherwise, investigation has since been completed and *challan* has been presented. The trial is likely to take a long time to conclude. The petitioner is in custody since 24.10.2022. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner along with above named two co-accused is alleged to have been apprehended by the police party on 24.10.2022 while they were coming in the aforesaid car. Recovery of 03 kgs. of heroin was effected from them. The said quantity of the contraband obviously falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. He is shown to be involved in one more case under the

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NDPS Act. Trial is going on at a proper pace and 06 prosecution witnesses have been examined so far and 02 witnesses have been given up. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

01.08.2025

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*