



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

CRM-M-19809-2025

Date of Decision:05.05.2025

Rajiv Kumar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Nikhil Ghai, Advocate with
Mr.Manuwant S. Chabba, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 15, dated 16.01.2025, registered under Sections 18-61-85 of NDPS Act and Section 27-A of NDPS Act added later on vide rapat No.47, dated 18.01.2025, Police Station Chheharta, Amritsar City (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and recovery of 02 Kgs of opium was planted on him. Even, the police had not followed the mandatory provisions of NDPS Act, during the search and seizure. The petitioner was wrongly arrested on 16.01.2025 and the investigation is almost complete against him. He further contends that since the alleged recovery of 02 Kgs of opium falls under the category of "non-commercial quantity", the provisions of Section 37 of the N.D.P.S Act would not applicable in the present case. Learned counsel further

submits that even though he was arrayed as an accused in one more case i.e.FIR No.160, dated 26.08.2020, under Sections 18/25/61/85 of NDPS Act, Police Station Bhikhiwind, but no recovery was effected from the petitioner in that case and he has already been granted the concession of bail vide order dated 09.05.2022 (Annexure P-5).

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner.

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

5. In the present case, recovery of contraband from the petitioner falls under the category of “non-commercial quantity” and the provisions of Section 37 of the NDPS Act may not apply to the facts of the present case. Moreover, the police has not been able to complete the investigation so far and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

05.05.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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