



252

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

CRM-M-20221-2025

Date of Decision:24.04.2025

GURPREET SINGH MAAN

...PETITIONER

VS.

UNION OF INDIA

...RESPONDENT

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

Present : Mr. Gurbir Singh Dhillon, Advocate
for the petitioner.

Mr. Harmandeep Singh Sullar, Advocate with
Mr. Haneesh Kumar, Advocate
for the respondent.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case NCB Crime No.07/2024 dated 19.04.2024, complaint dated 20.07.2024 registered under Sections 8/18/23, 29 of NDPS Act, 1985 at Police Station NCB, Chandigarh Zone by the Narcotics Control Bureau, Chandigarh.

2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, Jagir Singh had sent the courier to Gurlal Singh, resident of Australia on the asking of the present petitioner and the total quantity of opium recovered in the present case is 175 grams. He further contends that the



quantity of opium is non-commercial in nature and the rigors of Section 37 of the NDPS Act would not apply to the facts of the present case. Learned counsel for the petitioner further argues that the petitioner is in custody for the last more than two months and is the first offender. Learned counsel for the petitioner has placed reliance on the order Annexure P-3 to contend that similarly placed co-accused Balvir Singh has already been granted the concession of bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. It is apparent from the record of the case that the total quantity recovered in the present case is 175 grams, which is non-commercial in nature. Thus, the provisions of Section 37 of the NDPS Act would not apply to the facts of the present case. Moreover, the petitioner is in custody for the last 02 months and his further custody will not serve any meaningful purpose.

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

24.04.2025
vipin

(N.S. SHEKHAWAT)
JUDGE

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