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

CRM-M-19928-2025(O&M)

Date of Decision: 27.05.2025

Manjinder Singh alias Sony

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Aman Raj Bawa, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

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 FIR No.0031 dated 15.02.2025 registered under Sections 18/27-A/29 of NDPS Act, at Police Station Chheharta, District Amritsar.

2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, Malwinder Singh, co-accused was arrested by the police, while he was carrying 02 kg and 300 grams of opium and Rs.20,000/- as drug money. On the disclosure statement suffered by Malwinder Singh, the petitioner was also nominated as an accused in the present case and he was arrested on 15.02.2025. Later on, 50 grams of opium was recovered from the petitioner and he is in custody for the last about 3 months. He further contends that since the recovery of contraband from the petitioner falls under the head of 'non-commercial', the provisions of Section 37 of NDPS Act would not be attracted in the peculiar facts and circumstances of the present case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime. However, he admits that there is no other case against the petitioner.

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

5. In the present case, the police had recovered 50 grams of opium from the petitioner, which is non-commercial in nature. Thus, the rigors of Section 37 of NDPS Act would not apply to the facts of the present case. Even otherwise, the petitioner is in custody for the last about 03 months and the trial is not likely to conclude in near future.

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.

7. Pending application stands also disposed of.

(N.S.SHEKHAWAT)
JUDGE

27.05.2025
hemlata

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