



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

270

CRM-M-25040-2024 (O&M)
Date of Decision:- 22.04.2025

ROHIT

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
110	30.05.2022	21 of the NDPS Act	Special Task Force, Mohali, District Mohali

2. 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 30.05.2022 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.

3. *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 from the dashboard of his car commercial quantity of contrband was recovered. 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.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the basis of secret information received by the police party that the petitioner, who carries out illegal business of selling heroin, was going to supply heroin to his customer in his car. Accordingly, the petitioner was stopped by the police party and upon search of his car 01 black coloured polythene bag was recovered from the dashboard, which was containing 432 grams of heroin. Accordingly, the petitioner was arrested and he is in judicial custody since then. The recovery of 432 grams of heroin falls within the ambit of commercial quantity, thus, hit by the rigors of Section 37 of the NDPS Act.

6. 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.



7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

22.04.2025

S.Sharma(syr)

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