



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

CRM-M-22970-2025

Date of Decision:07.07.2025

Surjit Singh @ Sunny

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Karanjit Singh, 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 a case FIR No. 26, dated 11.03.2025, under Section 21 of NDPS Act, Section 29 of NDPS Act added later on, registered at Police Station Kamboj, District Amritsar (Annexure P-1).
2. Learned counsel for the petitioner contends that as per the allegations levelled by the prosecution, the petitioner was allegedly caught by the police, while he was carrying 50 grams of heroin in his conscious possession, without any permit or license. He further contends that at the time of recovery, no independent witness was examined by the prosecution and the police had not complied with the mandatory provisions of Cr.P.C/NDPS Act, while effecting the recovery from him. The petitioner was wrongly arrested by the police on 11.03.2025 and is in custody since then. He further contends that the challan has been presented against him and the charge has not been framed

so far. Thus, the trial is not likely to conclude in near future.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that three more cases, including two cases under the provisions of NDPS Act were ordered to be registered against the petitioner.

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

5. In the present case, the petitioner was apprehended by the police on 11.03.2025, while he was carrying 50 grams of heroin, in his conscious possession. However, since the recovery of contraband is non-commercial in nature, the bar contained under Section 37 of the NDPS Act may not apply to the facts of the present case.

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 subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender her passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall

swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/ Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to her shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

07.07.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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