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

**CRM-M No.26535 of 2025
Date of decision : 23.05.2025**

Surjit Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.19, dated 02.03.2025, under Sections 21, 27-A of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Kamboj, District Amritsar Rural.
2. Succinctly the facts of the case are that the police party while on patrolling on 02.03.2025 saw a young person standing on the side of Kuccha path. On seeing the police, he got perplexed and attempt to flee. On suspicion, he was apprehended by the police. On asking, he disclosed his name as Surjit Singh (petitioner). He was suspected to be carrying some contraband and thus his search was conducted. While conducting the



search, a polythene bag was recovered from the right pocket of his pant from which 13 grams of heroin was recovered. He failed to produce any licence regarding the conscious possession of the same and thus the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Judge, Special Court, Amritsar declined the petition filed by the petitioner vide order dated 17.04.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery has been effected from a public place, however no independent witness has been joined. He has submitted that as per the case of prosecution, the recovery has been effected from the search of the person of the petitioner and thus, the provisions of Section 50 of NDPS Act are straight away applicable in the present case, however there is a violation of provisions of Section 42 of NDPS Act as well. He has submitted that even otherwise the alleged recovery effected is a non commercial quantity and thus the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner has no criminal antecedents. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has



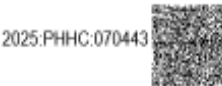
opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that it was a chance recovery and from the search, 13 grams of heroin was recovered. He has submitted that the case is under investigation. He has submitted that the samples were sent to the FSL and the report is received wherein it has been stated that the contraband recovered is found to be Diacetylmorphine. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that 13 grams of heroin was recovered from the person of the petitioner. Custody certificate produced would show that the petitioner has suffered incarceration of 02 months and 19 days as on 22.05.2025. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case. Even otherwise the recovery effected is a non commercial quantity.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the



satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.05.2025
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(RAJESH BHARDWAJ)
JUDGE

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