

Said fact is confirmed from the custody certificate filed by learned State counsel in Court today, which is taken on record subject to all just exceptions.

It is also agreed that the petitioner is not involved in any other case and out of 11 prosecution witnesses, only 2 PWs have been examined. It is further pointed out that co-accused of petitioner, though not arrested from the spot, namely, Gurbhej Singh alias Bheja, has already been granted the concession of regular bail by this Court, vide order dated 29.04.2025, passed in CRM-M-9983-2025 (Annexure P-1). It is further argued that the petitioner is a young boy of the age of 24 years and is not alleged to be involved in any other similar instance, punishable under the NDPS Act and, therefore, by extending the concession of bail, he be allowed to rehabilitate once again in the society.

3. On the other hand, learned State counsel, while opposing the contentions, submits that the recovery of heroin is commercial in nature, therefore, the petitioner does not deserve any leniency and prays for dismissal of his bail petition.

4. I have heard learned counsel for the parties and perused the relevant material available on record.

5. Undoubtedly, the recovery is 12 grams more than maximum of non-commercial quantity. The weighing process of the said contraband would be moot question for the Court below to find whether, same was in compliance to the prescribed procedure or there is some violation. The little variation in the weight can cause big difference in the order of sentence, if at all guilt of petitioner is proved beyond doubt.

6. Be that as it may, petitioner being a young boy of 24 years and is not alleged to be involved in any other similar instance, already having suffered

incarceration inside jail for 1 year, 1 month and 24 days, this Court finds it appropriate to extend the concession of regular bail to the petitioner.

7. Consequently, prayer made in the instant petition is allowed. Petitioner is ordered to released on bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

03.09.2025

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No