



222

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

CRM-M-30144-2025**Date of Decision:02.07.2025**

Chandan Gosai @ Chandan @
Chandu

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Aditya Anand, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, 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.59 dated 29.03.2025 registered under Sections 21(b) & 27-A of NDPS Act and Section 111 of BNS, at Police Station Gate Hakima, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, the petitioner and his co-accused, namely, Rohit Bhagat @ Suraj Bhagat @ Tutta were arrested by the police on 29.03.2025, when they were allegedly carrying 110 grams of *Heroin* in a polythene bag. It was also alleged that an amount of Rs.2,860/- i.e. the drug money was recovered from the possession of Rohit Bhagat @ Suraj Bhagat @ Tutta, co-accused. Learned counsel further contends that the quantity of contraband, which was allegedly recovered from the petitioner, falls within the ambit of non-commercial quantity

and the provisions of Section 37 of NDPS Act may not apply to the facts of the present case. He further contends that even though, eight more cases were ordered to be registered against the petitioner, however, he is either on bail or has been acquitted in the said cases. The petitioner has been in custody since 29.03.2025 and challan has been presented and the investigation is almost complete against him. Learned counsel further contends that in the present case, challan has not presented against him and the trial is not likely to conclude soon.

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 a habitual criminal and eight more cases were ordered to be registered against him.

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

5. In the present case, the petitioner was arrested on 29.03.2025, while he was carrying 110 grams of *Heroin*, which is non-commercial quantity. Further, the petitioner, even though, is involved in eight more criminal cases, but he is either on bail or has been acquitted in all those cases as mentioned in para No.8 of the petition. Further, the police has not been able to conclude the investigation in the present case and there are no chances of early conclusion of the trial.

6. Consequently, 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 his 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/learned Trial Court.*
- (vi) In case, the petitioner involves 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.*
- (viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.*

02.07.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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