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

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CRM-M-35936-2024 (O&M)
Date of decision: 20.02.2025

Major Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No. 176 dated 07.11.2023, registered under Sections 21C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Patti, District Tarn Taran.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.11.2023, on the basis of suspicion, the petitioner and co-accused Gurjant Singh, while coming on a motorcycle bearing registration number PB-46-U-8688, were intercepted by a police party headed by SI Charanjit Singh and were apprehended. On conducting search, 705 grams of heroin was recovered, which was kept under the seat of the vehicle. They were formally arrested at spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of

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aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 18.06.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. Co-accused Gurjant Singh was the owner of the said motorcycle and the petitioner was not aware of the fact that he was carrying any contraband. There is nothing on record to connect the petitioner with the subject crime. Even otherwise, investigation has since been completed and *challan* has been presented. The petitioner is in judicial custody since 07.11.2023. The trial is likely to take time. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner along with the co-accused was apprehended by intercepting them and recovery of 705 grams of heroin was effected from the said motorcycle. It is further argued that since the quantity of the contraband recovered in this case falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The trial is going on at a proper pace. If the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner and co-accused Gurjant

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Singh were apprehended by the police party while they were coming on the said motorcycle and recovery of 705 grams of heroin was effected, which was kept under the seat of the vehicle. The allegations against the petitioner and co-accused are quite serious in nature. The quantity of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him as nothing has been placed on record before this Court so as to believe that he did not commit the subject offence or in case, he is released on bail, he would not commit any such or similar offence. The apprehension of learned Assistant Advocate General, Punjab that if extended benefit of bail, the petitioner may abscond or indulge in similar offences cannot be stated to be unfounded. Trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of trial. Hence, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of the contraband recovered in this case, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.02.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*