



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

CRM-M-33078-2025

Date of Decision:07.07.2025

Malwinder Singh alias Sonu

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Aman Raj Bawa, Advocate and
 Mr. Arnav Goel, 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.31 dated 15.02.2025 registered under Sections 18, 27-A, 29 of NDPS Act, 1985, at Police Station Chheharta, Amritsar City, District Amritsar.

2. Learned counsel for the petitioner contends that in fact, the police has wrongly shown the recovery of 2 kg and 300 grams of opium from the petitioner. Further, he had withdrawn a sum of Rs. 20,000/- from his bank account, which is apparent from the account statement (Annexure P-3) and the recovery of the said amount was also shown from him as a drug money. In fact, the petitioner is an ex-serviceman and is running a chicken corner near the Police Station Chheharta. However, the police was insisting that he should supply chicken to the police men without charging anything from them and due to this, a scuffle took place between him and other police officials. He further

contends that the petitioner was wrongly arrested on 15.02.2025 and is in custody since then. Since the quantity of contraband recovered from him is non-commercial in nature, the rigors of Section 37 of NDPS Act may not apply.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner. However, he admits that there is no other case against the petitioner.

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

5. In the present case, the quantity of contraband, which was recovered from the petitioner is non-commercial in nature. Moreover, it is not certain whether the amount of Rs.20,000/-, which was allegedly recovered from the petitioner, is a drug money or not. However, even the prosecution is yet to lead evidence with regard to the fact that Rs.20,000/- was a drug money, only during the course of trial.

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.

(N.S.SHEKHAWAT)
JUDGE

07.07.2025
hemlata

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