

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

2025:PHHC:107126



214

**CRM-M-35318-2025 (O&M)
Date of Decision: 18.08.2025.**

Diljit Singh

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Simranjit Singh, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.81 dated 23.04.2025 under Sections 21-C, 27-A, 29, 61, 85 of NDPS Act, registered at Police Station Ajnala, District Amritsar.

As per prosecution case, on 23.04.2025, in the area of Police Station Ajnala, accused Sajjan Masih and Gurbhej Singh were apprehended by the police party, while they were travelling on motorcycle whereas one of the pillion rider, the petitioner managed to flee away from the spot. On search, recovery of 255 grams heroin and drug money of Rs.1,02,800/- was effected from the possession of accused Sajjan Masih.

Learned counsel for the petitioner contended that recovery of the alleged contraband had been effected from co-accused. The petitioner has been falsely implicated in the present case and he has been wrongly

named by co-accused. He submitted that the petitioner is ready and willing to join the investigation and the present petition be allowed.

Notice was issued in this case on 09.07.2025 and status report was called from the State, which has been filed today in the Court and the same is taken on record.

Per contra, learned State counsel has opposed the petition while contending that the petitioner has actively participated in smuggling heroin along with other co-accused and the alleged recovery of heroin effected in the present case falls within an ambit of 'commercial quantity' and drug money Rs.1,02,800/- was also recovered in the present case and as such he is not entitled to the concession of anticipatory bail.

Heard.

As per the allegations in the present case, the petitioner was also a pillion rider on the motorcycle along with other co-accused, however, he succeeded in fleeing away from the spot and his identity was disclosed to the police by the co-accused. In the present case, 255 grams of heroin and drug money of Rs.1,02,800/- were recovered and the alleged recovery falls within the ambit of 'commercial quantity' of contraband which attracts rigors of Section 37 of NDPS Act. As per disclosure statement of co-accused Sajan Masih, the petitioner was involved in the smuggling of heroin along with other co-accused. So custodial interrogation of the petitioner is required for fair and proper investigation in the present case and denial of custodial interrogation of the petitioner will adversely effect the investigation in the present case.

Accordingly, the present petition stands dismissed. However, nothing observed herein above shall be construed to be an expression of

opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

(SUKHVINDER KAUR)
JUDGE

18.08.2025.
Komal

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