



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

**CRM-M No.36600 of 2025
Date of decision : 18.07.2025**

Rahul Kumar @ Rahul

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Varinder Basa, Advocate
for the petitioner.

Ms. Simran Gorla, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.0080, dated 17.03.2025, under Sections 21, 27-A, 29 of NDPS Act, 1985, registered at Police Station Civil Lines Batala, District Batala, Gurdaspur, Punjab.

2. Succinctly the facts of the case are that the police party, while on patrolling on 17.03.2025, saw a boy coming on foot. On seeing the police, he got perplexed and threw an envelope on the road, which he was holding in his hand. On suspicion, he was stopped and on asking, he disclosed his name as Rahul Kumar @ Rahul (petitioner). He was suspected to be carrying some contraband in the envelope thrown by him and thus on giving the offer, the search was conducted. 500 Rupees note was recovered from his pocket. It was said to be a drug money. On conducting the search of the packet, 10 grams of heroin was recovered. He



failed to produce any licence regarding the conscious possession of the same and thus he was arrested on the spot and the FIR was registered. On registration of the FIR, the investigation commenced. The petitioner approached the Court of learned Judge, Special Court, Gurdaspur praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Judge, Special Court, Gurdaspur declined the petition filed by the petitioner vide order dated 30.04.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery has been effected from a public place however, no independent witness has been joined. He has submitted that there is a violation of the provisions of Section 50 NDPS Act. He has submitted that the petitioner has no criminal antecedents and the present case has been planted upon the petitioner. He has submitted that even otherwise the alleged recovery made is 10 grams of heroin, which is a non commercial quantity and thus the provisions of Section 37 of NDPS Act are not attracted. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. She, on instructions, has submitted that the recovery has been effected on due compliance of the provisions of NDPS Act. She has produced custody certificate of the petitioner today in the Court and the same is taken on record. She has further submitted that the case is under investigation.



5. Heard.
6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery made from the petitioner is 10 grams of heroin and Rs.500. The contraband recovered from the petitioner falls under the category of non commercial and thus the provisions of Section 37 of NDPS Act are not attracted. Custody certificate of the petitioner would show that the petitioner has suffered incarceration of 03 months and 29 days as on 17.07.2025. Custody certificate further shows that the petitioner has no criminal antecedents as he is not involved in any other case.
7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.
8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.07.2025

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

(RAJESH BHARDWAJ)
JUDGE