



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-36882-2025

Date of Decision:-04.09.2025

Sonu Masih.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Karan Choudhary, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 483 BNSS is for grant of the grant of regular bail in case FIR No.0005 dated 25.03.2025 under Sections 21 and 27-A of NDPS Act, 1985 registered at Police Station Shri Kartarpur Sahib Corridor, Police District Batala, District Gurdaspur.

2. The brief facts of the case are that petitioner-Sonu Masih came to be apprehended with 08 grams of Heroin with Rs.720/- drug money. He suffered a disclosure statement nominating two other accused from whom 6 grams Heroin each also came to be recovered.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was violation of mandatory provisions of the Act regarding search and seizure including Sections 42 and 50. As the petitioner is in custody since 25.03.2025, none of the 10 prosecution witnesses have been examined so far



and the recovery is of non commercial quantity of contraband, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that serious allegations have been levelled against the petitioner. Offences of this kind are on the rise and, therefore, he is not entitled to the concession of bail. He, however, concedes that the petitioner is a first time offender, in custody since 25.03.2025, none of the 10 prosecution witnesses has been examined so far and that the recovery is of non commercial quantity of contraband.

5. I have heard the learned counsel for the parties.

6. Admittedly, the recovery from the petitioner is of non commercial quantity of contraband. Therefore, the bar contained under Section 37 of the NDPS Act would not be applicable to the case of the petitioner. Further, the petitioner is stated to be in custody since 25.03.2025 and none of the 10 prosecution witnesses has been examined so far. Therefore the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Sonu Masih** son of Sh. Mesha Masih is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition the petitioner (or anyone on his behalf) shall prepare



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an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court.
The same would be liable to be forfeited as per law in case of the absence of
the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 04, 2025
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>