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

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**CRM-M No.37174 of 2025
Date of Decision: 04.11.2025**

Amandeep Singh Pahwa @ Aman

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case bearing FIR No.94 dated 28.05.2024 registered under Sections 27A, 25, 28, 29 and 30 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (21(c) of NDPS Act and 25 of Arms Act, 1959 added later on) at Police Station City Tarn Taran, District Tarn Taran. His previous petition bearing CRM-M No.56844 of 2024 had been dismissed by this Court vide order dated 27.03.2025.

2. As per the allegations, on 28.05.2024, a secret information

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was received that the petitioner along with the co-accused was involved in the business of selling heroin and funding other smugglers with the drug money and giving shelter to them as well as to each other by supporting financially or by exchange of vehicles. It was also informed that they could be apprehended on that day as they were travelling in an Innova vehicle bearing registration No.PB-13-BM-9986 and contraband could be recovered from them. Believing the secret information to be true, a raiding party was formed which reached at the informed place and intercepted the aforementioned vehicle. Amandeep Singh i.e. the present petitioner and co-accused Inderjit Singh and Akashdeep Singh @ Akashi were found to be occupants of the same and on conducting search, drug money to the tune of Rs.5 lakhs, Rs.3.5 lakhs and Rs.4.30 lakhs respectively was recovered from them. They were interrogated. In pursuance of disclosure statement of accused Inderjit Singh, 1 kg. of heroin along with one 9 MM pistol was recovered. The accused Akashdeep Singh was arrested on 04.08.2024 at the time when he was carrying one heavy weight polythene packet. On checking the same, cash amount of Rs.1 lakh which was drug money, had been recovered from the said bag. Two mobile phones carried by him, were also taken into custody. The petitioner was arrested on 02.06.2024. The investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No contraband has been recovered from him. False recovery of drug money is planted upon him. The provisions of

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NDPS Act are not attracted against him. The trial will take considerable time. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that there are specific allegations against the petitioner. The bar of Section 37 of NDPS Act is attracted against him. He is involved in one more case. There are chances of his absconding or committing similar offences if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have been found in possession of cash amount of Rs.5 lakhs which is claimed to be drug money. No contraband had been recovered from him and recovery of commercial quantity of contraband is alleged to have been effected from the conscious possession of co-accused Inderjit Singh in pursuance of his disclosure statement. It is a matter of evidence as to whether the money recovered from the petitioner was drug money. The rigors of Section 37 of NDPS Act are not attracted qua the petitioner but qua the co-accused. The petitioner is in custody for a period of over one year and five months. Keeping in view the nature of the allegations as levelled against him, the period of his incarceration and the attendant facts and circumstances but without meaning to make any comment on the merits of the case lest the same prejudice the trial, this Court is of the opinion that he has made out a case for his release

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on bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other similar case in future.

04.11.2025
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(MANISHA BATRA)
JUDGE

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