



CRM-M-39539-2025

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

CRM-M-39539-2025

Date of Decision: 04.09.2025

ROHIT

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. G.S. Dhaliwal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is first petition under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.57, dated 17.05.2025, registered at Police Station Ranjit Avenue, District Amritsar, under Sections 21-B and 27-A of NDPS Act, 1985.

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. In compliance of order dated 30.07.2025, status report by way of affidavit dated 29.08.2025 of Rishabh Bhola, IPS, Assistant Commissioner of Police, North, Amritsar City filed on behalf of the respondent i.e. State of Punjab is taken on record. Registry is directed to tag the same at an appropriate place.

4. Brief facts of the prosecution case are that on 17.05.2025 at about 9.30 PM accused-petitioner Rohit was apprehended at the back side



of Air Force, Colony Ranjit Avenue, District Amritsar within the area of Police Station Ranjit Avenue, District Amritsar and 10 grams of heroin alongwith a sum of Rs.1000/- were recovered from his possession. Offence under Section 27-A of NDPS Act was also invoked against him on the allegations that he is drug peddler.

5. Learned counsel for the petitioner argued that the petitioner has been falsely implicated and there is no direct evidence connecting the accused with the alleged offence. No offence under Section 27-A of NDPS Act is attracted and there are no allegations that he was financing illicit trafficking in contraband and harboring offenders and in these circumstances, rigors of Section 37 of NDPS Act are not attracted. The contraband recovered falls within the non-commercial quantity. The investigation and trial will take a long time to conclude and the petitioner is, thus, entitled to be released on bail. In support of his contention, learned counsel has cited 2022 (4) RCR (Criminal) 299, '**State of West Bengal v. Rakesh Singh @ Rakesh Kumar Singh**' and judgment dated 18.7.2025 passed by Coordinate Bench of this Court in CRM-M-34380-2025 titled '**Shamsher Singh @ Shera v. State of Punjab**' in which it has been held that where the quantity involved is not commercial, rigors of Section 37 of NDPS Act do not apply. Learned counsel, thus, prayed that the petitioner be released on regular bail.

6. On the other hand, learned State counsel has opposed the bail and argued that the petitioner does not deserve to be released on bail in view of gravity of the offence.

7. In the present case, 10 grams of Heroin has been recovered from the petitioner along with a sum of Rs.1000/-. The contraband

recovered falls within non-commerical quantity. As to whether this amount of Rs.1000/- recovered from the petitioner was drug money or not is a question of fact which can be decided only after the prosecution leads its evidence. Since the contraband recovered is non-commerical, the provisions of Section 37 of NDPS Act pertaining to grant of bail are also not attracted. Even otherwise, the applicability of Section 27-A of the NDPS Act is seriously questionable as this provision has been invoked merely on the basis of the disclosure statement of the petitioner himself and the amount recovered is petty which can be found in the possession of a common man. Moreover, the petitioner is in custody since 17.05.2025. Investigation and trial is likely to take sufficiently long time to conclude and further detention of the petitioner is, thus, not required and he deserves to be released on bail.

8. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

04.09.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No