



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

218

CRM-M-40005 of 2025

Date of decision : 23.09.2025

MOHINDERPAL SINGH

.....PETITIONER

Versus

UNION OF INDIA THROUGH NCB

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Pranav Chadha, Advocate
for the petitioner.

Mr. Rajiv Sharma (Hissarwale) Special Public Prosecutor with
Ms. Indu Bala Sharma, Advocate &
Mr. Vinayak Attri, Advocate
for respondent-NCB

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 8, 18, 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as “the NDPS Act” only, the Crime No.11 dated 05.05.2025, has been lodged in Police Station NCB, Chandigarh. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first petition for bail, filed by the petitioner under Section 483 of BNSS.



2. The allegations has emanating from the record are that on 05.05.2025, the opium weighing 0.383 kilograms was recovered. According to prosecution case a parcel was booked with DHL Courier Company depicting the contents of packet to be Dabur Chaywanprash. The parcel was destined to USA. According to prosecution case on the basis of a specific tip off received with regard to contents of above mentioned packet was opened and it was containing the above mentioned contraband.

3. Heard.

4. It has been argued by learned counsel for the petitioner that the petitioner is in custody since 05.05.2025 and the contraband recovered from the possession of petitioner is far from the minimum threshold fixed for commercial quantity. It has also been argued by learned counsel for the petitioner that the petitioner has clean antecedents and has never been prosecuted for any offence in the past and trial is not likely to be concluded in near future. According to learned counsel for the petitioner in the given facts situation, the petitioner is entitled for the benefit of bail.

5. *Per contra*, learned State counsel has argued that the direct link between the recovered contraband and the petitioner stands established in view of the fact that he was the person, who gave his Pan Card number, Aadhar Card number and paid requisite fee for booking of packet for delivery in USA. According to learned State counsel, the petitioner himself had approached the courier company for delivery of above mentioned packet and with regard to his visit, the CCTV footage has been captured while alleging that the petitioner has been indulging in heinous crime. Learned State counsel has requested for



dismissal of present petition for bail.

6. The record has been perused carefully.

7. A perusal of record shows that in the present case, there are certain relevant factors, which needs to be taken into consideration for arriving at any decision with regard to instant petition. Those factors are:-

- (a) that the petitioner is already in custody since 05.05.2025;
- (b) that the quantity of contraband recovered from the possession of accused i.e. 0.383 kilograms opium is not a commercial quantity and therefore, rigours of Section 37 of NDPS are not applicable;
- (c) that the petitioner has no criminal history;
- (d) that the trial is at infant stage as only complaint has been filed by the respondent and charge is yet to be framed;
- (e) that nothing is left to be recovered from the possession of the petitioner;
- (f) that detention of petitioner in judicial lock up is not likely to serve any purpose;
- (g) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses;

8. If cumulative effect of all the above mentioned factors is taken into consideration it leads to a conclusion that the petitioner is entitled to the benefit of bail.

9. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court. It is further clarified that on the day when petitioner applies for furnishing the bail bonds, the learned trial Court is not available, the learned

Sessions Judge shall be at liberty to assign the case, for the abovesaid purpose,
to any other Court.

(SURYA PARTAP SINGH)
JUDGE

23.09.2025
vipin

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