

2025:PHHC:130140



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

237

CRM-M-40827-2025 (O&M)
Date of decision: 19.09.2025

Deen Mohammad

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajesh Kapila, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 89 dated 24.06.2025, registered under Sections 21(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kalanaur, District Gurdaspur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 24.06.2025, the petitioner was apprehended by a police party and recovery of 7 grams of heroin and drug money of Rs. 10,150/- was effected from him. He was formally arrested at the spot. Since then, he is in custody. Investigation is still pending. He had moved an application before the Court of learned Judge, Special Court, Gurdaspur for grant of regular bail but the same had been dismissed, vide order dated 21.07.2025.

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3. Learned counsel for the petitioner has submitted that he has been falsely implicated in this case. In fact, the alleged recovered contraband was planted on him. He is not involved in any other case under the NDPS Act. Mandatory provisions of the NDPS Act was not complied with. Even otherwise, the quantity of the recovered contraband does not fall under commercial quantity, being 07 grams. The petitioner is in judicial custody since 24.06.2025. Conclusion of trial will take time as even investigation is still pending. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Custody certificate of the petitioner has been filed by the respondent-State. It is submitted by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is in custody since 24.06.2025. The quantity of the contraband allegedly recovered from him does not fall under commercial quantity. Investigation is still pending, which means it will take considerable time for presentation of *challan* and then in conclusion of trial. He is not shown to be involved in any other case and has clean antecedents. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on

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regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.09.2025
Wasim Jinnah

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No