

CRM-M-43165-2025
Date of Decision:13.08.2025

2. The FIR in the present case was registered on the basis of the complaint lodged by Inspector Navdeep Singh. As per him, the police had received a secret information that certain accused were involved in pooling money and using the same for buying and selling the contraband. Consequently, a raid was conducted on a house, where Kamaljit Kaur, Harjinder Singh, Bhupinder Singh @ Kali, Kajal, Karamjit Singh, Sahil Kumar and Ramandeep Singh were found present and on search of the house, a polythene envelop containing 50 grams of heroin was recovered. 10 grams of heroin was also recovered at the instance of accused Sandeep Singh from the refrigerator lying there. Thus, recovery of total 60 grams of heroin was effected from the accused.

3. Learned counsel for the petitioner contends that the quantity of 60 grams of heroin does not fall within the ambit of 'commercial quantity' and the provisions of Section 37 of the NDPS Act could not be applied to the facts of the present case. The petitioner was arrested on 07.03.2025 and is in custody since then. After completion of investigation, challan has been presented against him. He further submits that now the charge has been framed by the trial Court and further custody of the petitioner will not serve any meaningful purpose. Even the petitioner was never involved in any other case.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the quantity of contraband, which was allegedly recovered from the accused, does not fall within the ambit of 'commercial quantity'. Moreover, the petitioner is in custody for the last more than 05 months and is no longer required for the purpose of investigation.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

13.08.2025

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