



245

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

CRM-M-42150-2025

Date of decision : 28.08.2025

Manpreet Singh @ Bau**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.037 dated 14.03.2025, under Sections 21, 29 & 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 111 of BNS, registered at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

2. Succinctly the facts of the case are that the Police party while on patrolling on 14.03.2025, when reached in the area of Marri Panwan, spotted a clean shaved person who was walking on the paved road and on seeing the police, he got perplexed and tried to throw a transparent polythene packet which he was holding in his right hand. However, he was apprehended and on asking he disclosed his name as Manpreet Singh @ Bau (present petitioner). He was suspected to be carrying some contraband and on conducting the search 05 grams of heroin alongwith drug money of Rs.1700/- was recovered from him. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The



petitioner approached the Learned Judge, Special Court, Gurdaspur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Gurdaspur vide order dated 16.04.2025. Aggrieved by the same, the petitioner earlier approached this Court by way of CRM-M-23684-2025 which was dismissed as withdrawn vide order dated 07.05.2025. Hence, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that as per the case of the prosecution, the petitioner was apprehended by the Police on 14.03.2025, while they were on patrolling. From the search of the polythene which was allegedly being carried by the petitioner, recovery of 05 grams of heroin was shown to have been recovered. He submits that the alleged recovery has been planted upon the petitioner. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the compliance of Section 50 of NDPS Act, was mandatory, however, there is violation of the same as well. He submits that even otherwise the alleged recovery of 05 grams of heroin is a small quantity and is thus bailable offence. He submits that the petitioner is behind bars since 14.03.2025 and thus, in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the recovery effected from the petitioner, as per the Schedule in the NDPS Act, is a small quantity. He, on instructions, has submitted that the

investigation is complete and challan has been presented. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is inferred that the alleged recovery effected from the petitioner is 05 grams of heroin which is a small quantity. The petitioner is behind bars from last more than 05 months as is reflected from the custody certificate. It further reflects that the petitioner has no criminal antecedents. As submitted before this Court, investigation is complete and challan has already been presented.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

28.08.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No