

2025:PHHC:175090



S. No.238

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

**CRM-M-42831 of 2025
Date of Decision:15.12.2025**

Rajinder Singh @ Raju

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Ms. Isha Goyal, Advocate for the petitioner.
Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.37 dated 26.02.2025 registered under Sections 21B/27-A/21-C/61/85 of NDPS Act, 1985 and Section 111 of BNS, 2023 registered at Police Station Chhe-harta, District Amritsar.
2. Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.
3. Brief facts of the prosecution case are that on 26.02.2025, petitioner – Rajinder Singh alias Raju was apprehended by the police party and 100 grams of heroin besides a sum of Rs.2320/- stated to be drug money was recovered from his possession and 270 grams of heroin was recovered from possession of co-accused Amritpal Singh. On interrogation, he nominated co-accused Sonu Kumar @ Sonu Suran Wala as the supplier. Subsequently, Sonu Kumar was also arrested on 03.03.2025 but no contraband was recovered from his possession. The



contraband and money were taken into possession. Petitioner applied for bail before Special Judge, but the same was rejected vide order dated 08.07.2025.

4. 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 his simplicitor disclosure statement cannot be used to make out an offence under Section 27-A of the NDPS Act as there is no allegation that he was financing illicit trafficking in contraband and harbouring offenders and in these circumstances, rigors of Section 37 of NDPS Act are not attracted. The contraband recovered falls within the intermediate quantity 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.

5. 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.

6. In the present case, 100 grams of Heroin has been recovered from the petitioner along with a sum of Rs.2320/-. The contraband recovered falls within



intermediate quantity. As to whether this amount of Rs.2320/- 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. 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. Rather, invoking Section 27-A of NDPS Act requires concrete evidence of financing, illicit trade or harbouring offenders and cannot be based solely on account of possession of currency or disclosure statement. The petitioner is in custody since 26.02.2025. 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.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bond/surety bond to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Pending misc application (s), if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

December 15, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No