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

CRM-M-43519-2025

Date of Decision: 18.08.2025

Gopal Singh @ Gopal

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Amandeep Kaur, Advocate for
Mr. Narinder S. Lucky, Advocate, for the petitioner.
Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.42 dated 09.04.2025 under Sections 21-B, 27-A, 61 & 85 of NDPS Act, (Section 29 of NDPS, 1985 added lateron), registered at Police Station Sultanwind, District Police Commissionerate Amritsar.

2. Succinctly, facts of the case are that the Police party while on patrolling on 09.04.2025, saw two young persons coming from an empty plot towards the road. On seeing the police, they turned back towards the plot and started throwing something heavy from the black polythene bags they were holding. However, they were apprehended. On asking, one person disclosed his name as Gopal Singh @ Gopal (petitioner) and another told his name as Lovepreet Singh @ Love. They were suspected to be carrying some contraband in the polythene bags and thus, search of the bag being hold by Gopal Singh @ Gopal was conducted. On checking, Rs.1,100/- and 10 grams of heroin were recovered. They failed to produce any licence regarding the possession of the same, thus, the FIR was registered and they were arrested on the spot. On the registration of the FIR, the investigation



commenced. The petitioner approached the Court of learned Judge Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 21.06.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. She submits that the alleged recovery was effected from a public place, however, independent witness has been joined. She submits that there is violation of provisions of Section 50 of NDPS Act in conducting the search. She further states that the petitioner has no criminal antecedents and the recovered contraband has been planted on him. It is submitted that co-accused has already been granted bail by learned trial Court. She has submitted that even otherwise the alleged recovery effected from the petitioner is a non-commercial quantity, thus, provisions of Section 37 of the NDPS Act are not attracted in this case. She, thus, submits that the petitioner deserves the concession of regular bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that recovery has been effected from the petitioner on due compliance of NDPS Act. He acknowledges that recovery of contraband effected is non-commercial. He further submits that the case is under investigation. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it



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is inferred that 10 grams of heroin has been allegedly recovery from the petitioner, which is a non-commercial quantity. Custody certificate of the petitioner would show that the petitioner has suffered incarceration of 04 months & 07 days as on 18.08.2025. It further reveals that the petitioner has no criminal antecedents. As submitted before this Court the case is under investigation. The arguments raised by counsel for the petitioner regarding compliance of mandatory provisions of NDPS Act, are debatable, which would be gone into by the trial Court at the time leading evidence by both the parties.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

7. 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.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

18.08.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No