



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

**CRM-M-43798-2025
Date of Decision: 11.09.2025**

AKASHDEEP SINGH ALIAS AKASH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Raghav Soni, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.67 dated 14.04.2025 registered under Sections 21-B, 27-A, 25, 29/61/85 of NDPS Act, 1985 at Police Station Chheharta, 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 14.4.2025, Tejvir Singh ASI, Police Station Chheharta, District Amritsar was present near Fateh Farm Colony along with other police officials when one car bearing No.PB02-DL-1876 was seen coming which was stopped. One person namely Saurav tried to run away after alighting from the car and he tried to throw some black coloured polythene by taking it out from his pocket but he was apprehended and 100 grams heroin and a sum of



₹ 2270/- as drug money were recovered from his possession. The contraband was converted into a parcel, sealed and taken into possession. Offences under Sections 21(b), 27(a), 25/61/85 of NDPS Act were found to have been committed and formal FIR was registered. On interrogation, he suffered disclosure statement to the effect that the contraband was supplied to him by Vikramjit Singh for sale to Akashdeep Singh (petitioner) and Akashdeep Singh (petitioner) was arrested on 14.4.2025. The petitioner applied for bail which has been rejected by the learned trial Court.

4. Learned counsel for the petitioner argued that the petitioner has been falsely implicated. The contraband which falls within non-commercial quantity was recovered from main accused namely Saurav and the petitioner has been nominated as an accused by him in his disclosure statement but the same is not admissible. Learned counsel next contended that nothing has been recovered from the possession of the petitioner. The petitioner is in custody since 14.4.2025. The investigation and the trial is likely to take a long time to conclude and further detention of the petitioner is thus not required and he may be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that the petitioner has committed a heinous offence. The petitioner is a habitual offender and he is involved in two more cases under NDPS Act and he is not entitled to be released on bail.

6. In the present case, 100 grams of Heroin has been recovered from the co-accused/Saurav along with a sum of ₹ 2270/-. The contraband recovered falls within intermediate quantity. As to whether



this amount of ₹ 2270/- recovered from him was drug money or not is a question of fact which can be decided only after the prosecution leads its evidence. Since the contraband recovered was non-commercial, the provisions of Section 37 of NDPS Act pertaining to grant of bail are also not attracted. 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 co-accused Saurav and the amount recovered is petty which can be found in the possession of a common man. As to how much evidentiary value shall be attached to the disclosure statement of co-accused Saurav shall be a subject matter of trial. No contraband has been recovered from the petitioner. Petitioner is in custody since 14.4.2025. 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 bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(YASHVIR SINGH RATHOR)
JUDGE

11.09.2025
Priyanka Thakur

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No