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

CRM-M-45480-2025

Date of Decision: 26.08.2025

RAJU

..... Petitioner

*Versus***STATE OF PUNJAB**

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Ms. Bhavi Kapur, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, 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.183 dated 24.06.2025 registered under Sections 21, 27-A, 29 and 61 of NDPS Act at Police Station Civil Lines, District Batala.

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 24.06.2025, when the police team was patrolling, the present petitioner was apprehended on the basis of suspicion and 10.50 grams of Heroine and drug money to the tune of Rs.2000 was allegedly recovered from him. Upon interrogation, he disclosed that he had earned said amount by selling granules of heroin to different addicts. He was accordingly arrested. As per the police record, allegations and contents of the FIR, the petitioner had collected said amount by selling heroin to other addicts and



accordingly offence under Section 27-A of NDPS Act was also invoked against him on the allegations that he is drug peddler.

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 allegations that he was financing illicit trafficking in contraband and harboring offenders and in these circumstances, rigors of Section 37 of NDPS Act are not attracted. The contraband recovered falls within the non-commercial quantity. The investigation and trial will take a long time to conclude 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, 10.50 grams of Heroin has been recovered from the petitioner along with a sum of Rs.2000/-. The contraband recovered falls within non-commercial quantity. As to



whether this amount of Rs.2000/- 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. Since the contraband recovered is non-commerical, 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 petitioner himself and the amount recovered is petty which can be found in the possession of a common man. Moreover, the petitioner is in custody since 24.6.2025. Investigation and 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

26.08.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No