



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

220

CRM-M-46425-2025 (O&M)

Reserved on: 28.08.2025

Pronounced on : 29.08.2025

MANBIR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr. H.S.Oberoi, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

The petitioner who is in jail since 09.07.2024 is facing prosecution for the commission of offence punishable under Sections 21, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985. By virtue of present petition the petitioner is seeking for the concession of bail.

2. The facts emerging from the record shows that the FIR No.37 dated 02.07.2024 was lodged in Police Station State Special Operation Cell Amritsar. It was lodged in the backdrop of the fact that on that day when a police party was present at Adda Bhakna, Police Station Gharinda, an informer gave a tip-off that Rasaal Singh Jaskaran Singh and Amritpal Singh were in touch of smugglers in Pakistan and that in recent past they had received a large consignment of heroin through a drone near village Rattan at Indo-Pakistan Border. The informer had also revealed that the above named three accused were travelling on a two wheeler bearing registration PB-02-DW-4187, to



deliver consignment of contraband.

3. It is the case of the prosecution that in view of above mentioned tip-off a trap was laid by the police and the abovesaid three persons were intercepted and from their possession 5 kg of heroin was recovered. According to prosecution, during the course of investigation of above mentioned case, when accused Rasaal Singh was interrogated he suffered a disclosure statement and revealed the name of petitioner. The prosecution has further alleged that in view of above mentioned information the petitioner was arrested on 09.07.2024 but at the time of his arrest no contraband was recovered. However, later on, on interrogation, the accused led police party to his home from where 694 grams of heroin was recovered.

4. No written reply to the above mentioned application has been filed by the State and the learned State counsel has opted to oppose the above mentioned application, only, orally.

5. Heard.

6. It has been argued by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and that all the rules, regulations and laid down procedures were by passed at the time of arrest of the accused, vis-a-vis at the time of alleged recovery. According to learned counsel for the petitioner merely on the basis of nomination by the co-accused the petitioner has been implicated in the present case and that the prosecution case itself shows that at the time of arrest of the petitioner no recovery had taken place.

7. As per learned counsel for the petitioner otherwise also no independent witness was joined at the time of recovery of contraband from the



place of abode of petitioner, and that the petitioner has already suffered sufficient incarceration for being in custody since 09.07.2024. It has also been argued by learned counsel for the petitioner that trial of this case is not likely to be concluded in near future, and therefore, the petitioner is entitled for the benefit of bail.

8. Per contra, learned State counsel has argued that the quantity of contraband recovered at the instance of petitioner is a commercial quantity, and therefore, without qualifying the parameters prescribed under Section 37 of NDPS Act, the benefit of bail cannot be afforded to the petitioner.

9. The record has been perused carefully.

10. In the present case, at the outset, it is relevant to mention here that the prosecution has come forward with a plea that from the possession of co-accused of the petitioner heroin ad-measuring 5 kg was also recovered. The recovery of such a huge quantity in itself speaks in volumes about the gravity of acts of co-accused with regard to commission of crime. It is also relevant to mention here that instant case is not the simple case wherein merely on the basis of nomination by the co-accused, the petitioner has been implicated. Rather, the nomination by co-accused only facilitated the investigating agency to lay hand to the petitioner and when investigation qua petitioner was conducted he himself was found in possession of separate quantity of 694 grams of heroin. The contraband recovered from the possession of petitioner itself was a commercial quantity, and therefore, unless the rigors of section 37 of NDPS Act are met the petitioner cannot be enlarged on bail.

11. In the present case, the record shows that there is nothing on record to believe that the petitioner is not guilty or that if released on bail he



will not indulge in similar activity. Therefore, taking into consideration the above mentioned factors and also that provisions of Section 37 of NDPS Act are applicable in this case, I hold that the present application is devoid of merit and deserves dismissal. Accordingly, the same is hereby dismissed.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on: 29.08.2025
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No