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Date of uploading : 26.11.2025

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Mr. Jaypreet Singh, DAG, Punjab

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SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.69 dated 23.5.2025, under Sections 21-B, 27(a) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sultanwind, District Police Commissionerate, Amritsar.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving 28.08 grams of heroin, and the petitioner has been nominated, in this case, on the disclosure statement of co-accused Gurpreet Singh, and 7 grams of heroin was recovered from his possession.

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 24.5.2025. Learned counsel has further argued that even if the entire contraband involved in the FIR is considered to be recovered, the same is 28.08 grams of heroin, which is non-commercial in nature. Learned counsel has further argued that mandatory provisions of the NDPS Act have not been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has further argued that actually only 7 grams of heroin was recovered from the petitioner. Learned counsel has further argued that the petitioner is not named in the FIR in question. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 25.11.2025. Learned State counsel has filed status report by way of affidavit of Parvesh Chopra, PPS, Assistant Commissioner of Police (South), Amritsar City in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner.

4.1 Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 24.5.2025 and is in continuous custody since then. Culmination of investigation as also the trial emanating therefrom, in case occasion so arises, will take long time. The entire recovery *qua* the FIR in question is 28.08 grams of heroin, which is



non-commercial in nature and even the same be taken against the petitioner, rigors of Section 37 of the NDPS Act are not met with in the present case. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

7. As per the custody certificate dated 25.11.2025, the petitioner has already undergone a total custody period of 5 months and 29 days. As per the said custody certificate, the petitioner is stated to be involved in 10 more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on



29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191.***

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the



State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 10. Ordered accordingly.
- 11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

26.11.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No