



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

CRM-M-47442-2025(O&M)
Date of decision: 10.09.2025

NIRVAIL SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is the first petition under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.151, dated 27.10.2024, registered at Police Station Khalra, District Tarn Taran, under Sections 21(c) of NDPS Act, 1985 (Section 29 of NDPS Act added later on), Section 10, 11,12 of Air Craft Act (Sections 10, 11, 12 of Air Craft Act, 1934 deleted later on)

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. Brief facts of the prosecution are that on 27.10.2024, an information was received by ASI Nirmal Singh, In-charge Chowki, Police Station Khalra to the effect that some narcotic substance had fallen



in the agriculture land of Harjinder Singh and Tara Singh. Thereafter, police party reached the spot where BSF officials and said Harjinder Singh and Tara Singh were also present. The packet was taken into possession, which was tested by BSF Officials and the contraband was found to be heroin. The same was weighed and it was found to be 494 grams including polythene and the same was converted into a parcel and sealed. It was alleged that some unknown persons have arranged the same from Pakistan and offence under Section 21-C/61/85 of NDPS Act read with Sections 10/11/12 Aircraft Act was found to have been committed and formal FIR has been registered. The prosecution case further is that two accused namely Nirvail Singh (petitioner) and Jaspal Singh were arrested on the basis of secret information on 05.12.2024 and it was also found during the investigation on the basis of secret information that the contraband was arranged by them through Pakistani based smugglers. After completion of investigation, challan has been presented for trial.

4. Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case. The contraband was allegedly recovered from the fields of one Harjinder Singh and Tara Singh. No recovery has been effected from the petitioner. He has been arrested in this case without there being any evidence against him allegedly on the basis of some secret information. Petitioner is in custody since 05.12.2024. Challan was presented on 28.04.2025 and charge was framed



on 21.05.2025. Learned counsel next contended that out of total 09 prosecution witnesses, only 01 witness has been examined till date. The trial is likely to take sufficiently long time to conclude and since no recovery has been effected from petitioner, rigors of Section 37 of NDPS Act are not attracted. In view of the prolonged incarceration of the petitioner, he may be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that petitioner has committed a heinous offence and he does not deserve the concession of regular bail.

6. The contraband was recovered from the fields of two farmers, which was taken into possession by the police. In the FIR, it has been alleged that same has been procured by some unknown persons from Pakistan. Later on, petitioner was nominated as an accused on the basis of secret information and there is no evidence against him except his disclosure statement, which was recorded after his arrest. Investigation has already been completed and challan has been presented and out of total 09 prosecution witnesses, only 01 witness has been examined till date. Since, no recovery has been effected from the petitioner, rigors of Section 37 of NDPS Act are not attracted. Moreover, trial will certainly take a long time to conclude and no useful purpose shall be served by keeping him in custody any more.

7. Taking into consideration the facts and circumstances of the case but without commenting anything on the merits of the case, the bail

application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

10.09.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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