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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50675-2024 (O&M)
Date of Decision:- 28.01.2025

RANDHIR SINGH ALIAS NIKA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. K.L. Saini, Advocate for the petitioner.

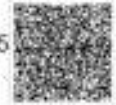
Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 12.01.2025 filed in the form of an affidavit of Assistant Commissioner of Police, West Amritsar is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
117	19.07.2024	21-B and 27-A of the NDPS Act	Chherta, Police Commissionerate Amritsar

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 19.07.2024 and the alleged



recovery of 10 grams of heroin effected from the petitioner falls within the category of non-commercial quantity. He further submits that the amount of Rs.3 lakhs, which as per the police is drug money, was in fact recovered from his house, which he had earned from dairy farming and has nothing to do with any transaction involving the sale and purchase of narcotics. He further submits that petitioner is not involved in any other case. Thus, prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply filed by the State has assailed the arguments by submitting that the petitioner is involved in drug peddling and from his conscious possession 10 grams of heroin and Rs.3 lakhs were recovered. He prays for dismissal of the petition and submits that the petitioner is not entitled to the concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the petitioner was apprehended by the Police on the basis of suspicion, when he tried to throw away the polythene bag containing 10 grams of heroin after taking it out from his right pocket, which admittedly falls under the category of non-commercial quantity. Learned counsel for the petitioner has vehemently argued that the amount of Rs.3 lakhs, which as per the prosecution is drug money, has been planted upon him as the same was recovered from his house, which he had earned from the business of dairy farming. The petitioner is not involved in any other case and is in custody since 19.07.2024 and the criminal liability, if any, of the petitioner, could only be



determined after the conclusion of trial, which may take sufficient long time.
In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

28.01.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No