



236

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

CRM-M-50680-2024

Date of Decision:14.01.2025

MADAN GUJJAR@MADAN LAL GUJJAR**...PETITIONER****VS.****STATE OF PUNJAB****...RESPONDENT****Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Gurmej Bhinder, Advocate for
Mr. S.K. Choudhary, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, with a prayer to grant regular bail to him in case FIR No.74 dated 09.07.2024, registered under Sections 18/27-A of NDPS Act, Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1).

2. Learned counsel for the petitioner contends that as per the case of the prosecution, 01 kg and 547 grams of opium was allegedly recovered from the petitioner. The said quantity does not fall within the ambit of "Commercial quantity" and thus the rigors of Section 37 of the NDPS Act would not apply to the facts in the present case. He further contends that the mandatory provisions of the NDPS Act were not complied with, while affecting the search from the petitioner. The petitioner was arrested in the present case on 07.09.2024 and is



in custody for the last four months. The petitioner was never involved in any other criminal activity and deserves to be enlarged on bail.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, the recovery, which was allegedly effected from the petitioner is non commercial in nature. The petitioner is stated to be in custody since 07.09.2024 and challan has already been presented against him. Moreover, the petitioner was never involved in any other criminal case.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

14.01.2025
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(N.S. SHEKHAWAT)
JUDGE

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