



CRM-M-48151-2025 (O&M)

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

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CRM-M-48151-2025 (O&M)**Reserved on : 04.09.2025****Pronounced on : 05.09.2025**

Raju @Majj

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Ms. Akshita Nanda, Advocate and
Mr. Yaseen Sethi, Advocate for
Mr. Varinder Basa, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J.

1. This is the first petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for regular bail in a case arising out of FIR No.83 dated 22.03.2025 under Sections 21, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter referred to as 'NDPS Act', Police Station Civil Lines Batala, District Gurdaspur. The application for bail filed by the petitioner before the Court of learned Special Judge, Gurdaspur, designated under Section 36 of the NDPS Act, has been dismissed vide order dated 07.05.2025. The petitioner is in custody since 23.03.2025 and craving regular bail.

2. Succinctly the facts emanating from record are that the abovementioned FIR came into being in view of a chance recovery of contraband. According to prosecution, on 22.03.2025, when Sub-Inspector



Gurmeet Singh along with other police officials was on patrolling duty near Khanga Dargah Gandhi Camp Batala, he spotted a young person on foot. According to prosecution, when the abovesaid person noticed the presence of police party, he took out an envelope from the pocket of his trouser and threw it. As per prosecution, on the basis of suspicion, when the abovesaid person was apprehended and the contents of envelope were checked, it was found that in the abovesaid envelope, he was carrying 10 gms of heroin. It is the case of the prosecution that on recovery of abovementioned contraband, requisite formalities of search, seizure and arrest of petitioner were undertaken, FIR was lodged and investigation taken up.

3. Heard.

4. It has been contended on behalf of the petitioner that the petitioner is innocent, who has been falsely roped in by the police. According to learned counsel for the petitioner, the recovery of contraband from the possession of petitioner is just above the small quantity prescribed for the contraband, i.e. heroin. As per learned counsel for the petitioner, the petitioner has no criminal antecedents as in the past, he has been prosecuted only for one offence, and acquitted therein. The learned counsel for the petitioner has further argued that the petitioner has already suffered sufficient incarceration for being in custody for a period of 5 months and 11 days and that rigors of Section 37 of NDPS Act are not attracted in the present case. In view of abovementioned grounds, learned counsel for the petitioner has sought the benefit of bail for the petitioner.

5. *Per contra*, learned State Counsel argues that the petitioner does not have clean antecedents as he has been prosecuted under the



provisions of NDPS Act earlier also. According to learned State Counsel, the quantity of contraband recovered from the possession of petitioner is above the maximum/highest threshold meant for small quantity of heroin and that there is no delay either in the investigation or in the trial and therefore, the petitioner is not entitled for benefit of bail.

6. The record has been perused carefully.

7. A perusal of record shows that in the present case, there are certain relevant aspects which needs to be taken into consideration, before arriving at any decision with regard to present bail application: -

- a) that the quantity of contraband recovered from the possession of petitioner is little above the threshold meant for small quantity;
- b) that the abovesaid quantity is only a fraction of minimum prescribed limit for commercial quantity;
- c) that the petitioner is already in custody for a period of 5 months and 11 days;
- d) that nothing is left to be recovered from the possession of petitioner;
- e) that the petitioner has not been convicted for similar offence earlier.
- f) That the petitioner is not facing any trial except the present one;
- g) that the trial is not likely to be concluded in near future;
- h) that detention of the petitioner behind the bar is not likely to serve any purpose; and
- i) that rigors of Section 37 of NDPS Act are not attracted in the present case.



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8. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

9. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court. In case, the concerned Court is not available on the given date, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 05, 2025
Gaurav Thakur

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