



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

210**CRM-M-49741-2025 (O&M)****Date of decision: 19.11.2025**

Nirmal Singh @ Nirmali

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Arshdeep Singh Brar and
Mr. Arman Gill, Advocates for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant first petition has been filed for grant of regular bail to the petitioner(s) in FIR bearing No.13 dated 06.03.2025, registered under Section(s) 21 and 22 (Section 29 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Ajitwal, District Moga.

2. Briefly summarised, the facts of the present case are that the FIR in question was registered on the statement of SI Raj Singh, Police Station Ajitwal, stating therein that when he along with police party reached the spot where ASI Paramjit Singh 358/Moga was; a young man, a minor, got nervous upon seeing the police party and threw something from his pocket on the ground. ASI Paramjit Singh 358/Moga surrounded the young man on suspicion and contained him. On questioning, the apprehended young boy/accused disclosed his name as Nirmal Singh alias Nirmali, son of Pal Singh alias Gurpal Singh (son of Dalip Singh) resident of Maddeke,



District Moga. The SI disclosed his identity to the apprehended young man and stated that he suspected him of possessing some narcotic substance. The petitioner said that out of fear of the police, he threw the transparent packet containing narcotic pills and heroin on the ground. He was informed about his impending search and also about his legal right to have his search conducted by a Gazetted Officer or a Magistrate, who could be called to the spot or the arrangements could be made to present the accused before them. The petitioner further said that apart from the transparent packet, containing narcotic pills and heroin, that he had thrown on the ground out of fear, he did not possess any other narcotic substance. At this, a notice under Section 50 of the NDPS Act was prepared in Punjabi by the SI. An attempt was made to include a public witness as a party on the spot, but since the road was less travelled, no one could be found. Then at the SI's instruction, the petitioner-accused Nirmal Singh alias Nirmali, picked up the transparent packet that he had thrown on the ground and presented it to the SI. When the SI opened and checked the packet, loose orange-colored pills and heroin were recovered. The total number of recovered pills turned out to be 30 and the total weight of recovered heroin including the plastic packet was 5 grams. The SI then put the pills as well as heroin into the same transparent packet, prepared the parcel with his stamp with the initials R.S., prepared a separate sample seal and handed over the same after use to ASI Surjit Singh 162/Moga. The parcel of the case property was taken into police possession through the recovery memo. ASI Surjit Singh 162/Moga, ASI Gurmel Singh



679/Moga, signed the recovery memo as witnesses. The petitioner Nirmal Singh alias Nirmali was alleged to have committed a crime under Section 21, 22, 61-85 of the NDPS Act for keeping 30 loose narcotic pills and 5 grams of heroin in his possession. Therefore, a memo was prepared against the petitioner and sent to the police station for the registration of an FIR.

3. Learned counsel for the petitioner contends that the petitioner has not been previously accused in any other case. He contends that the petitioner has been in custody since 06.03.2025 and has undergone an actual custody of more than 08 months and that the trial is yet to commence as no prosecution witness has been examined so far.

4. Learned State counsel submits that the recovery of contraband would fall under the commercial quantity. He however does not dispute that the petitioner is not involved in any other case and that the trial has yet not commenced. The period of custody of the petitioner is also not disputed.

5. Taking into consideration the allegations levelled as above and the fact that the petitioner is not involved in any other case as well as the period of custody, alongwith the stage of trial and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.



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7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

19.11.2025
Mangal Singh

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