

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

**CRM-M-50777-2025**  
**Date of decision: 16.09.2025**

JASHAN KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present:     Mr. Ankit Bhardwaj, Advocate for  
                 Mr. Balbir Singh Jaswal, Advocate  
                 for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

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**YASHVIR SINGH RATHOR, J. (Oral)**

1.                Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.137 dated 07.07.2025 registered under Sections 21, 27-A, 29 of NDPS Act at Police Station Beas, District Amritsar.

2.                Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.

3.                Brief facts of the prosecution case are that on 07.07.2025 on the basis of suspicion, petitioner Jashan Kumar was apprehended by the police and 5.65 grams of Heroin along with a sum of 880/- were recovered from him. On interrogation, he disclosed that he had collected Heroin from co-accused Jagdev Singh. Offence under Section 27-A of NDPS Act was also added. The petitioner applied for bail before the

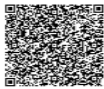


Court of Judge, Special Judge, Amritsar but the same was rejected vide order dated 12.08.2025 (Annexure P-2).

4. Learned counsel for the petitioner argued that the petitioner has been falsely implicated and there is no direct evidence connecting the accused with the alleged offence. No offence under Section 27-A of NDPS Act is attracted and his simplicitor disclosure statement cannot be used to make out an offence under Section 27-A of the NDPS Act as there is no allegations that he was financing illicit trafficking in contraband and harbouring offenders and in the circumstances, rigors of Section 37 of NDPS Act are not attracted. The contraband recovered falls within non-commercial quantity and the petitioner is, thus, entitled to be released on bail. In support of his contention, learned counsel has cited 2022 (4) RCR (Criminal) 299, **State of West Bengal v. Rakesh Singh @ Rakesh Kumar Singh** and judgment dated 18.7.2025 passed by Coordinate Bench of this Court in CRM-M-34380-2025 titled **Shamsher Singh @ Shera v. State of Punjab** in which it has been held that where the quantity involved is non commercial, rigors of Section 37 of NDPS Act do not apply.

5. On the other hand, learned State counsel has opposed the bail and argued that the petitioner does not deserve to be released on bail in view of gravity of the offence.

6. In the present case, 5.65 grams of Heroin has been recovered from the petitioner along with a sum of 880/-. The contraband recovered falls within non-commercial quantity. As to whether this amount of 880/- recovered from the petitioner was drug money or not is a question of fact



which can be decided only after the prosecution leads its evidence. Since the contraband recovered falls within non-commercial quantity, the provisions of Section 37 of NDPS Act pertaining to grant of bail are also not attracted. Even otherwise, the applicability of Section 27-A of the NDPS Act is seriously questionable as this provision has been invoked merely on the basis of the disclosure statement of the petitioner himself and the amount recovered is petty which can be found even in the possession of a common man. Moreover, the petitioner is in custody since 07.07.2025. Trial is likely to take sufficiently long time to conclude and further detention of the petitioner is, thus, not required and he deserves to be released on bail.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.09.2025  
Priyanka Thakur

(YASHVIR SINGH RATHOR)  
JUDGE

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