



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

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CRM-M-50971-2025

Date of decision: 04.11.2025

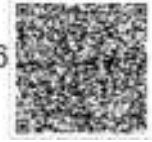
SAURAV ALIAS SORAB**....Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present : Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. This second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.67 dated 14.04.2025, under Sections 21(b), 27(a) and 25 of NDPS Act, (Section 29 of NDPS Act, 1985 added later on) registered at Police Station Chheharta, District Amritsar.
2. Statusreport by way of an affidavit of Shivdarshan Singh, PPS, Assistant Commissioner of Police, West, Amritsar City filed on behalf of the State is taken on record.
3. 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.
4. Brief facts of the prosecution case are that a police party headed by ASI Tejvir Singh was on inspection duty near Fateh Farm Colony, Kalle turn Bypas, Chheharta, Amritsar, when a car of make Hyundai I-20 bearing NO.PB08-DM-3103 was seen coming and signalled to stop by the police party. Thereafter, the present petitioner tried to run away and took out one polythene envelope from



pocket of his half pant and tried to throw it away but he was apprehended by the police party. The accused disclosed his name as Saurav @ Sorab (petitioner). Upon checking the said polythene envelope, it was found to contain 100 grams of heroin along with drug money of Rs.2270/-. The contraband and the drug money were taken into possession. The petitioner applied for bail before the Special Judge but the same was rejected vide order dated 19.06.2025.

5. 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 are 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 the intermediate 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 not commercial, rigors of Section 37 of NDPS Act do not apply. Learned counsel, thus, prayed that the petitioner be released on regular bail.

6. 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.



7. In the present case, 100 grams of Heroin has been recovered from the petitioner along with a sum of Rs.2270/-. The contraband recovered falls within intermediate quantity. As to whether this amount of 2270/- 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 is intermediate in nature, 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 in the possession of a common man. Moreover, the petitioner is in custody since 14.04.2025. 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.

8. 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 bond/surety bond to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Pending misc application (s), if any, shall also stand disposed of.

04.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No