



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

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CRM-M No.53854 of 2025 (O&M)
Date of Decision:26.09.2025

Sher Singh @ Shera

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**Present:** Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 21, 27(a), 29, 61 & 85 of NDPS Act 1985 (Sections 303(2) and 317(2) of BNS were added lateron), the FIR No.146 dated 05.07.2025, has been lodged in Police Station Jandiala, District Amritsar (Rural). The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition under Section 483 of BNSS for grant of bail.

2. In nut-shell, the facts emerging from the record are that the FIR of this case came into being as a chance recovery of 18.30 grams of heroin from the possession of co-accused namely Sahil Singh @ Suraj. As per facts projected by the prosecution when a police party headed by Sub Inspector Naresh Kumar was on a patrolling duty, it intercepted a person on the basis of suspicion and from his possession 18.30 grams of heroin was recovered. As



per the prosecution case the recovered contraband was duly seized in accordance with law and the accused was arrested, who on interrogation suffered a disclosure statement, wherein he revealed that he had purchased the above mentioned drugs from the petitioner.

3. Notice of motion.

4. Since advance notice has already been served, Mr. K.D. Sachdeva, DAG Punjab, appears on behalf of respondent-State, and waives service.

5. Learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. However, no formal reply has been filed by the State, and the learned State counsel has opted to oppose the present petition orally.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been implicated in the present case on the basis of disclosure statement of the co-accused and that the disclosure statement of co-accused was recorded when he was already in police custody. It has also been contended that the petitioner is in custody for a period of 2 months and 14 days, and that the trial is not likely to be concluded in near future. As per learned counsel for the petitioner, nothing is left to be recovered from the possession of the petitioner and that release of the petitioner on bail is not likely to cause any prejudice to the prosecution case.

8. Per contra, the learned State counsel has argued that petitioner has a criminal history and he has already been prosecuted for the commission of



offence under NDPS Act. In addition to above, it has been contended that for three other cases also the petitioner has been prosecuted. With regard to instant case, it has been submitted by learned State counsel that a stolen two wheeler has also been recovered from the possession of the petitioner. According to learned State counsel, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. A careful perusal of record shows that in the present case there are several factors which are required to be taken into consideration before the decision of instant bail petition:-

- i) that the contraband recovered from the possession of main accused comes within the category of intermediate quantity and it is little above the highest threshold meant for small quantity and only a fraction of lowest limit fixed for commercial quantity;
- ii) that nothing has been recovered from the possession of petitioner and he has simply been nominated by his co-accused, who has suffered a disclosure statement in police custody;
- iii) that nothing is left to be recovered from the possession of the petitioner;
- iv) that the petitioner has already suffered sufficient incarceration for being in custody for a period of 2 months and 14 days;
- v) that the investigation and trial is not likely to be concluded in near future;
- vi) that detention of the petitioner behind the bar is not likely to serve



any purpose;

vii) that there is nothing on record to show that if released on bail, the petitioner is not likely to tamper with the evidence.

11. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and the present petition deserves to be allowed.

12. Thus, the present petition is hereby allowed, accordingly and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the learned trial Court.

13. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

26.09.2025
Manoj Bhutani

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