



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

CRM-M-53706-2025
Date of decision: 28.10.2025

KULBIR ALIAS BITTU ALIAS ALIAS CHIDA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Hitesh Verma, Advocate
 for the petitioner (through V.C.).

 Mr. Ramesh Kumar Ambavta, DAG, Haryana
 assisted by ASI Hanuman Singh.

YASHVIR SINGH RATHOR. J.(Oral)

1. This is first petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.279 dated 07.06.2025, registered under Section 21(b) of NDPS Act at Police Station City Hisar, District Hisar.
2. Status report by way of an affidavit of Tanuj Sharma, HPS, Deputy Superintendent of Police (Traffic), Hisar, filed on behalf of the State is taken on record along with the custody certificate.
3. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.
4. Brief facts of the prosecution case are that on 07.06.2025, Police party headed by ASI Jagdish Kumar was on patrolling duty and present on the highway near Pul Sunder Nagar, Delhi Road, Hisar, when he received a secret



information to the effect that Kulbir @ Bitu @ Chida (petitioner), who is a drug dealer, was trying to sell heroin on his motorcycle HF DLX bearing No. HR-20AU-9109 in front of Grain Market Hisar near Gupta Hospital. If a raid is conducted, a large quantity of heroin can be seized. Thereafter, raid was conducted and petitioner was apprehended and upon search, 7.20 grams of Heroin was recovered from his possession. The contraband was taken into possession. After completion of investigation, final report was presented against the accused for trial.

5. Learned counsel for the petitioner submits that the recovered quantity is marginally above the small quantity of 5 grams and falls within intermediate quantity and rigors of Section 37 of NDPS Act are not attracted. Petitioner is in custody since 07.06.2025. Learned counsel for the petitioner further argued that the investigation and trial will take sufficiently long time to conclude and no useful purpose would be served by keeping the petitioner inside jail. 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 argued that petitioner is a habitual offender and he is involved in 06 more cases. In view of his past conduct, he is not entitled to be released on bail.



7. In the present case, 7.20 grams of Heroin has been recovered from the petitioner. The contraband recovered falls within intermediate quantity. 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. Moreover, the petitioner is in custody since 07.06.2025. 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 on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned.

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

28.10.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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