



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

CRM-M-53783-2025
Date of decision: 17.11.2025

SUNNY @ SHEHANSHAH @ SHANA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

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.104 dated 23.08.2025, registered under Sections 21/29-61-85 of NDPS Act and Section 111 of BNS, 2023 at Police Station Taragarh, District Pathankot.
2. Status report by way of an affidavit of Sukhjinder Pal Singh, PPS, Deputy Superintendent of Police (Rural), District Pathankot, filed on behalf of the State in the Registry is taken on record.
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 23.08.2025, Police party headed by ASI Balkar Singh was on patrolling duty and present in the area of Parmanand, District Pathankot. One Sunny @ Shahenshah @ Shana



(petitioner) was apprehended by the police party after he was seen discarding a polythene envelope and upon search, 08 grams of heroin was recovered from the said envelope. 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 23.08.2025. 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 05 more cases. In view of his past conduct, he is not entitled to be released on bail.

7. In the present case, 08 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 23.08.2025. 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.

17.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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