



242

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

**CRM-M No.54752 of 2025
Date of Decision: 12.11.2025**

Gurdev Singh @ Gebu**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present :- Mr. Rakesh Sobti, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

***********RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.41, dated 04.03.2025, under Sections 21(b), 27(a), 61 & 85 of NDPS Act, 1985 (Section 11 of BNS added later on), registered at Police Station Chheharta, District Police Commissionerate, Amritsar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 04.03.2025, saw a young man coming on foot towards village Kale. On seeing the police, he suddenly turned back and took out a wax envelope from his trouser and started throwing it. However with the help of other police officials, he was apprehended. On asking, he disclosed his name to be Gurdev Singh @ Gebu. He was suspected to be carrying some contraband in the envelope, which he was trying to throw



and thus, search of the same was conducted. On conducting the search, 50 grams of heroin was recovered from the envelope. On his further search, a cash of Rs.5000/- was also recovered from him, which was the drug money. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL report, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 31.07.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery has been effected from the public place, however no independent witness has been joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. To buttress his arguments, learned counsel for the petitioner has submitted that even otherwise, the alleged recovery is a non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 04.03.2025. He has submitted that though the petitioner is involved in other cases, however he is on bail in those cases. He has submitted that false implication of the petitioner is



writ large, and thus, in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender. He has submitted that the recovery of 50 grams of heroin has been effected from the conscious possession of the petitioner. He, on instructions, has submitted that the challan has been presented and the charges have been framed, however, out of total 13 prosecution witnesses, no witness has been examined so far. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery in the present case effected from the petitioner is 50 grams of heroin, which is admittedly a non commercial quantity. The petitioner is behind bars since the date of his arrest, i.e. 04.03.2025. As submitted before this Court, out of total 13 prosecution witnesses, no witness has been examined as on date. Custody certificate produced would show that the petitioner has suffered incarceration of 08 months and 06 days as on 11.11.2025. It further shows that the petitioner is involved in 07 other cases, however he is on bail in all those cases.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.



8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail.

9. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.11.2025

rittu

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No

(RAJESH BHARDWAJ)
JUDGE