



S. No.218

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55759 of 2025
Date of Decision:12.11.2025

Arshdeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. This is first petition filed under Section 483 of BNSS seeking concession of regular bail to the petitioner in case FIR No.0134 dated 23.06.2025 registered under Sections 21, 27-A, 29/61/85 of NDPS Act, 1985 at Police Station Jandiala, District Amritsar Rural.

2. Brief facts of the prosecution case are that on 23.06.2025, police party apprehended one Akashdeep Singh from whom 5 grams heroin and a sum of Rs.850/- as drug money were recovered, who disclosed that he had brought the same from co-accused Vishal and Gurjant Singh on the asking of his brother Karandeep Singh. On his further interrogation, he suffered a disclosure statement to the effect that he had brought the afore-said heroin from Harpreet Singh and Arshdeep Singh- petitioner and they were nominated as accused and arrested on 24.06.2025. 15 grams of heroin and Rs.1500/- were recovered from co-accused Harpreet Singh and 10 grams of heroin and a sum of Rs.1000/- as drug money



were recovered from petitioner – Arshdeep Singh. The contraband and the drug money were taken into possession.

3. Status report by way of an affidavit of Shri Ravinder Singh, PPS, Deputy Superintendent of Police, Sub Division Jandiala, Amritsar (Rural) has been filed on behalf of the respondent- State. The same is taken on record.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Learned counsel for the petitioner contended 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 is no allegation that he was financing illicit trafficking in contraband and harbouring offenders and in these 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 co-ordinate Bench of this Court in CRM-M-34380 of 2025 titled **Shamsher Singh @ Shera v. State of Punjab** in which it has been held that where the quantity is not commercial, rigors of Section 37 of NDPS Act do not apply. Learned counsel, thus, prayed that the petitioner be released on bail.



6. On the other hand, learned State Counsel has sought dismissal of the bail application in view of the gravity of offence.

7. In the present case, 10 grams of heroin has been recovered from the petitioner along with a sum of Rs.1000/-. The contraband recovered falls within intermediate quantity. As to whether this amount of Rs.1,000/- recovered from the petitioner was drug money or not is a question of fact which cannot 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 the 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 24.06.2025. 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. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.



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

(Yashvir Singh Rathor)
Judge

November 12, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No