



CRM-M-56770-2025

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

CRM-M-56770-2025

Date of Decision: 09.12.2025

SATNAM SINGH @ SHERA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. S.K. Arya, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.130 dated 08.07.2025, under Section 21-B, 27-A and 29 of the NDPS Act, 1985 registered at Police Station Chheharta, District Amritsar (Punjab).

2. Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.

2. Brief facts of the prosecution case are that ASI Jeevan Singh alongwith other police officials was on patrolling duty and on the basis of suspicion, one Satnam Singh (petitioner) was apprehended by the police party. Upon search, 20 grams of heroin alongwith a sum of Rs.2,070/- stated to be drug money were recovered from his possession. The contraband and the money were taken into possession. Petitioner was



arrested on 08.07.2025. The petitioner applied for bail before the Judge, Special Judge, Amritsar but the same was rejected vide order dated 17.09.2025.

4. Learned counsel for the petitioner contended that the petitioner has been falsely implicated and there is no direct evidence connecting the petitioner 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 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 non commercial, rigors of Section 37 of NDPS Act do not apply. Learned counsel, thus, prayed that the petitioner be released on regular bail.

5. On the other hand, learned State counsel has opposed the bail and argued that the petitioner does not deserve to be released on bail in view of gravity of the offence.

6. In the present case, 20 grams of heroin alongwith a sum of Rs.2,070/- were recovered from the possession of petitioner. The contraband recovered falls within intermediate quantity. As to whether



this amount of Rs.2,070/- recovered from the petitioner was drug money or not is a question of fact which can 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 this 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 even in the possession of a common man. Moreover, the petitioner is in custody since 08.07.2025. 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.

7. 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 subject to his furnishing bail bond/surety bond to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

(YASHVIR SINGH RATHOR)
JUDGE

09.12.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No