



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

**CRM-M-59344-2025
Date of decision: 07.11.2025**

DHARMINDER SINGHPetitioner

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. The third 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.147 dated 23.05.2023, under Sections 21-C/23/25/27-A/29 of NDPS Act, registered at Police Station STF, District SAS Nagar, Mohali.
2. Learned counsel for the petitioner as well as learned State counsel have been heard and the material placed on the file has been perused.
3. Brief facts of the case are that on 23.05.2023, Puran Singh SI, Police Station STF Mohali along with other police officials was present at Police Station Lopoke, Amritsar Rural, when he received secret information at about 6:00 AM to the effect that one Lakhbir Singh @ Lakha smuggles Heroin and illegal ammunition from Pakistan with the help of drones and on 22.05.2023, he has taken huge consignment of Heroin and ammunition and one drone to the house of his acquaintance namely Jagdeep Singh and he is staying at the house of Jagdeep Singh. In case, a raid is conducted, he can be caught red handed along with the



contraband and illegal weapons. Thereafter, the police party reached the house of Jagdeep Singh at village Karrial, Police Station Bhindi Saidan, Amritsar where Lakhbir Singh @ Lakha was found lying on the bed. He was apprehended and he disclosed that an envelope containing Heroin is lying under the driver's seat of his Creta car, a rifle in the dickey of the car, an illicit pistol in the dashboard and one drone has been kept in a box in the house which was procured from Delhi. Thereafter, he led the police to his car parked outside from which, 1 kg 600 grams of Heroin, rifle 315 bore along with one pistol were recovered. All the aforesaid articles were taken into possession and duly sealed. Thereafter, he got recovered one drone from the house which had been kept in a box lying the room. During investigation, Jagdeep Singh, who was owner of the house was arrested. Petitioner Dharminder Singh was nominated as an accused by co-accused Lakhbir Singh @ Lakha from whom the contraband was recovered. Said Lakhbir Singh @ Lakha disclosed that he alongwith present petitioner brought the consignment of heroin from the border of Pakistan and hidden the same together, who was also arrested and 100 grams of heroin was recovered from him. After completion of usual investigation, final report was presented against the accused for trial.

4. Learned counsel for the petitioner argued 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 the circumstances, rigors of Section 37 of NDPS Act are not attracted. The contraband recovered from petitioner 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 not commercial, rigors of Section 37 of NDPS Act do not apply. Learned counsel further submitted that co-accused namely Bachittar Singh @ Bitta and Jagdeep Singh have already been released on bail vide orders dated 19.09.2025 (Annexure P-5) and 04.09.2025 (Annexure P-6). 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, 100 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. 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. Moreover, the petitioner is in custody since 12.07.2023. Co-accused namely Bachittar Singh @ Bitta and Jagdeep Singh have already been released on bail vide orders dated 19.09.2025 (Annexure P-5) and 04.09.2025 (Annexure P-6). 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.

07.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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