



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

228

CRM-M-60049-2025 (O&M)

Date of decision: 11.12.2025

JAGIR SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Vinod K. Kaushal, 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.79 dated 26.04.2025, under Sections 21-B, 27-A of NDPS Act, 1985 (offence under Section 29, 21-C, 61, 85 of NDPS Act 1985 added later on), registered at Police Station Chheharta, District Police Commissionerate Amritsar, Amritsar.
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.
3. Brief facts of the prosecution case are that on 26.04.2025 ASI Harjinder Singh while on patrolling duty along with other police officials was going towards Village Kale Ghanupur and when they reached near Nakha Wala Bagh turn, petitioner-Jagir Singh was apprehended and 20 grams of heroin and a sum of Rs.2,000/- were recovered from him, which is stated to be drug money. The contraband and the money were taken into possession. Offence under Section 27-A of NDPS Act was also added. Petitioner applied for bail before the Special Judge but the same was rejected vide order dated 20.06.2025. Investigating is



pending and challan has not been presented as yet.

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 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 not 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 has been recovered from the petitioner along with a sum of Rs.2,000/-. The contraband recovered falls within intermediate quantity. As to whether this amount of Rs.2,000/- 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. 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 in the possession of a common man. Rather, invoking Section 27-A of NDPS Act requires concrete evidence of financing, illicit trade or harbouring offenders and cannot be based solely on account of possession of currency or disclosure statement. The petitioner is in custody since 26.04.2025. 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.

11.12.2025
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

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