



214

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

CRM-M-61364-2025

Date of Decision: 07.11.2025

LAKHWINDER SINGH ALIAS NIKKA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Sukhandeep Singh, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.135 dated 22.08.2025 registered under Sections 21-B, 27-A, 29, 61 and 85 of NDPS Act at Police Station Sultanwind, District 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 22.08.2025, accused petitioner- Lakhwinder Singh @ Nikka was apprehended by the police near village Sultanwind Patti Balel Di and 9.62 grams of Heroin along with a sum of 600/- were recovered from him. On interrogation, he disclosed that he had collected Heroin from one Ganga. Offence under Section 27-A of NDPS Act was also added. The petitioner applied for bail before the Special Judge but the same was rejected vide order dated



30.09.2025.

4. Learned counsel for the petitioner argued that the petitioner has been falsely implicated. 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. Investigation and trial will take a long time to conclude 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.

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, 9.62 grams of Heroin has been recovered from the petitioner along with a sum of 600/-. The contraband recovered falls within intermediate quantity. As to whether the amount of 600/- 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, 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 in the possession of a common man. Petitioner is in custody since 22.08.2025. 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 bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(YASHVIR SINGH RATHOR)
JUDGE

07.11.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No