



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

223

**CRM-M-62973-2025 (O&M)**  
**Date of decision : 14.11.2025**

Sukhdev Singh @Nikka

..... Petitioner

VERSUS

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present : Ms. Navjot Kaur, Advocate for  
Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

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**SURYA PARTAP SINGH, J.**

1. For the commission of offence punishable under Sections 21-C, 23, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act', and Section 25 of the Arms Act, the FIR No.306 dated 01.12.2024 has been lodged in Police Station Gharinda, District Amritsar. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for the concession of bail. This is first petition for bail filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 01.12.2024, when a police party headed by Inspector Amardeep Singh was discharging its patrolling duty. As per



prosecution the above-named police officer got a tip-off from an informant and finding the information trustworthy, the police party headed towards the place, where the alleged contraband was stated to be in possession of few persons. According to prosecution story, when the police party reached the bridge, it spotted a person sitting on a motorcycle, and three young persons ascending from fields to the road. It has been further alleged by the prosecution that when the abovesaid persons noticed the presence of police party, the person sitting on motorcycle fled from the spot on the motorcycle and the remaining three rushed towards the fields, but they were apprehended, and from their possession, following contraband was recovered:-

- |                                        |   |             |
|----------------------------------------|---|-------------|
| i) Lovepreet Singh @Love               | — | 2 kg heroin |
| ii) Sabha Singh                        | — | 1 kg heroin |
| iii) Sukhdev Singh (petitioner herein) | — | 1 kg heroin |

3. It is the case of the prosecution that in view of abovementioned recovery of contraband, the requisite formalities with regard to seizure, lodging of FIR, and arrest of accused were performed, and further investigation taken up.

4. **Notice of motion.**

5. Mr. I.P.S. Sabharwal, DAG, Punjab appears and waives service of notice on behalf of the respondent/State. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. Heard.



7. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case, and that no recovery of any kind of contraband had taken place from the possession of petitioner. As per learned counsel for the petitioner, no independent witness was joined by the Investigating Officer at the time of recovery, despite the fact that he was having a tip-off in advance. It has also been argued by learned counsel for the petitioner that the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 11 months and 09 days, and that nothing is left to be recovered from the possession of petitioner, and that in the instant case, the trial is yet to commence.

8. *Per contra*, the learned State Counsel has argued that the quantity of contraband recovered from the possession of petitioner comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions, enshrined under Section 37 of NDPS Act, the petitioner is not entitled for benefit of bail.

9. In addition to above, the learned State Counsel has also argued that the petitioner has no clean antecedents, as the petitioner is already facing a case under Sections 436/506 of IPC.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision with regard to present petition: -



- i) that the custody period of petitioner is 11 months and 09 days, and the abovesaid period is not long enough to draw an inference that there is delay in trial;
- ii) that the recovered contraband from the possession of each of the petitioners (individually) comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions, enshrined under Section 37 of NDPS Act, the petitioner is not entitled for the benefit of bail; and
- iii) that there is nothing on record to show that the abovementioned conditions stands satisfied in this case.

12. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration it leads to the conclusion that at this stage the petitioner is not entitled for the benefit of bail, and that the present petition being devoid of merit deserves dismissal.

13. Accordingly, the present petition is hereby ***dismissed***.

14. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

**(SURYA PARTAP SINGH)**  
**JUDGE**

**NOVEMBER 14, 2025**

*Gaurav Thakur*

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No