

**CRM-M-63583-2025**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****246****CRM-M-63583-2025****Date of decision: 27.11.2025****RACHHPAL SINGH ALIAS RACHPAL SINGH ALIAS PAL**Petitioner**Versus****STATE OF PUNJAB**

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Ramnish Puri, Advocate and
Ms. Monika Tanwar, 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.131 dated 05.09.2025, under Sections 21, 27-A and 29 of NDPS Act, 1985 registered at Police Station Chattiwind, District Amritsar Rural.

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 a police party headed by ASI Rajinder Pal was on patrolling duty when two persons were seen coming on foot from Imban Adda side. On seeing the police party, both the said persons tried to flee from the spot after throwing some suspicious object wrapped in a polythene, but they were apprehended by the police party. The accused disclosed their names as Chamkaur Singh (co-accused) and Rachpal Singh @ Pal (petitioner). Upon checking the said polythene, it was found to contain 10 grams of heroin along with drug money of Rs.300/-. The contraband and the drug money

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were taken into possession. 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 17.10.2025.

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, 10 grams of Heroin has been recovered from the petitioner along with a sum of Rs.300/-. The contraband recovered falls within intermediate quantity. As to whether this amount of Rs.300/- recovered from the



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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 in the possession of a common man. Moreover, the petitioner is in custody since 05.09.2025. 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

27.11.2025
amandeep

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