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

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CRM-M-98-2025 (O&M)
Date of decision: 07.05.2025

Vishal Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 147 dated 17.10.2023 registered under Sections 21-C and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Jhabal, District Tarn Taran.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that on 17.10.2023, on the basis of a secret information, the present petitioner and co-accused Sachinpreet Singh @ Sachin and Sunny Singh @ Sunny, while coming on a motorcycle bearing registration number PB-46-AH-1542, were apprehended by the police party and recovery of 273 grams of heroin, one pistol of .32 bore along with two live cartridges of .32 bore were effected from them. They were formally arrested

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at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 27.05.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The petitioner was only a pillion rider of the motorcycle from which alleged recovery was effected. Neither any contraband has been recovered from the conscious possession of the petitioner nor he is stated to be owner of the said motorcycle. He is not involved in any other case. It is also argued that the mandatory provisions of Section 50 of the NDPS Act were not complied with. Even otherwise, the quantity of recovered contraband is marginally higher than the commercial quantity. Investigation has since been completed and *challan* has been presented. The trial is likely to take a long time. He is in custody since 17.10.2023. No useful purpose would be served by keeping him in custody. Learned counsel for the petitioner has relied upon certain orders passed by Co-ordinate Benches of this Court, wherein accused were granted benefit of bail as the recovered contraband is marginally higher than the commercial quantity. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is stated therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of regular bail as he along with co-accused was apprehended by the police party on 17.10.2023 and recovery of

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273 grams of heroin, one pistol .32 bore along with two live cartridges of 32 bore were recovered from them. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The trial is going at a proper pace. There are chances of petitioner's absconding or indulging in similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party on 17.10.2023 along with aforesaid co-accused and recovery of 273 grams of heroin, one pistol of .32 bore along with two live cartridges of .32 bore was effected from them. Since the quantity of recovered contraband falls under the commercial quantity, hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The apprehension expressed by learned State counsel that the petitioner may indulge in similar offences, if released on bail, cannot be stated to be unfounded. So far as the orders as relied upon by the petitioner are concerned, it is well settled proposition of law that the orders of bail are not necessarily orders of any precedent value. Reliance in this regard can be placed upon the authority cited as ***Gajanand Agarwal vs. State of Orrisa and others : 2006(4) R.C.R.(Criminal) 311***. Therefore, keeping in view the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular

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bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

07.05.2025

Wasim Jiwari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No