

S. No.206

2025:PHHC:170017



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

**CRM-M-67211 of 2025
Date of Decision:05.12.2025**

**Dharampal @ Rinku
Vs.
State of Punjab**

**.....Petitioner

.....Respondent**

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Sarvesh Singla, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. This is first petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.101 dated 13.07.2025, registered under Sections 21, 27 and 29 of NDPS Act at Police Station City-1, Mansa, District Mansa.
2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.
3. Brief facts of the prosecution case are that on 13.07.2025, when police party headed by L/ASI Sawaran Kaur was on patrolling duty, three persons namely Dharampal @ Rinku (petitioner), Mangal Jit @ Mangaljit Singh @ Chepi and Prabhjot Singh were apprehended by the police party after they were seen throwing a plastic bag and upon search, 09 grams of heroin was recovered from the said bag which falls within intermediate quantity. The contraband was taken



into possession. After completion of investigation, final report was presented against the accused for trial. Petitioner applied for bail which has been rejected.

4. Learned counsel for the petitioner submits that the recovered quantity is marginally above the small quantity of 5 grams and falls within intermediate quantity. Learned counsel further contended that co-accused Prabhjot Singh and Mangal Jit alias Mangaljit Singh alias Chepi have already been granted bail vide order dated 19.08.2025 by Special Court, Mansa and vide order dated 17.11.2025 by this Court in CRM-M-54486 of 2025 respectively. Rigors of Section 37 of NDPS Act are not attracted. Petitioner is in custody since 13.07.2025. Learned counsel for the petitioner further argued that the investigation and trial will take sufficiently long time to conclude and no useful purpose would be served by keeping the petitioner inside jail. 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 argued that petitioner does not deserve grant of bail in view of gravity of offence.

6. In the present case, 09 grams of Heroin has been recovered from the petitioner alongwith other co-accused. The contraband recovered falls within intermediate quantity. 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. Moreover, the petitioner is in custody since 13.07.2025. 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 on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned.

8. Pending misc. application(s), if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

December 05, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No