



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

CRM-M-67010-2025 (O&M)
Date of decision: 04.12.2025

AMIT GILL @ AMIT

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Ms. Prachi Gupta, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. The present petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.0229 dated 01.10.2025, registered under Sections 21, 25 & 29 of NDPS Act, 1985, at Police Station City Jagraon, District Ludhiana Rural.
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. As per the prosecution case one Amritpal Kaur and Karan were arrested by the Police on 01.10.2025 and upon search, 264 grams of heroin was recovered from their possession. On interrogation, they nominated the present petitioner in the present case and he was arrested on 07.10.2025 and 11 grams of heroin was recovered from his possession. The contraband was taken into



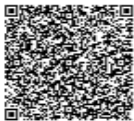
possession. After completion of investigation, final report was presented against the accused for trial.

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 and rigors of Section 37 of NDPS Act are not attracted. Petitioner is in custody since 07.10.2025. Learned counsel for the petitioner further argued that the 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.

6. On the other hand, learned State counsel has opposed the bail and argued that petitioner is a habitual offender and in view of gravity of offence, he does not deserve to be released on bail.

7. In the present case, 11 grams of heroin has been recovered from the petitioner. 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 07.10.2025. 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.

8. 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.

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

04.12.2025
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

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