

2025:PHHC:178542



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.71576 of 2025
Date of Decision: 23.12.2025

Balwan Singh @ Banu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gobind Singh Randhawa, Advocate,
for the petitioner.

Mr. Durgesh Garg, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
100	27.09.2025	Kahnuwan, District Gurdaspur	21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (27A and 29 of NDPS Act added later on)

2. As per the allegations, on 27.09.2025, recovery of 11 grams of heroin along with drug money of Rs.2500/- was effected from conscious possession of the petitioner which were taken into custody. The petitioner was formally arrested. Investigation stands concluded.

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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 27.09.2025. The mandatory provisions of the NDPS Act had not been complied with. A false recovery has been planted upon him. The recovery is of non commercial quantity. His further incarceration would not serve any useful purpose. It is, thus, argued that he deserves to be released on bail.

4. Notice of motion.

5. Mr. Durgesh Garg, AAG, Punjab has advance notice of the petition and has argued that the allegations against the petitioner are serious in nature. He is a habitual offender who has been convicted under the different provisions of NDPS Act in as many as seven cases. Some other cases are pending against him. There are chances of his committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to be found in conscious possession of 11 grams of heroin which is of non commercial quantity. Recovery of a sum of Rs.2500/- has also been effected from him. It is a debatable question as to whether this amount is drug money or not? The petitioner is not required for further investigation. His continued detention would not serve any useful purpose. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case lest the same prejudice the trial, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner



is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

23.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No