



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

**CRM-M No.6393 of 2026
Date of Decision: 08.04.2026
Date of Uploading: 08.04.2026**

Meer Hamja @ Meer Hamza @ Miya

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Dr. Khushbir Kaur Waraich, Advocate
for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner
in case bearing FIR No.382 dated 24.12.2025, registered for the offences
punishable under Sections 21, 27(a), 61 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (for short 'NDPS Act') [Section 29 of
the NDPS Act added later-on], at Police Station Civil Lines Batala, Police
District Batala, District Gurdaspur.

2. The gravamen of the FIR in question is that the petitioner is an
accused of being involved in an FIR pertaining to NDPS Act involving
alleged recovery of 38.09 grams of heroin and drug money of Rs.8,200/-

from the petitioner.

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 24.12.2025. Learned counsel has further submitted that the accusation against the petitioner is of being in conscious possession of 38.09 grams of heroin and drug money of Rs.8,200/-. Learned counsel has further submitted that the said amount of Rs.8,200/- has been termed as drug-money primarily on the basis of confessional statement of the petitioner. Learned counsel has further submitted that the investigation is still under way and conclusion of trial will take long time. Learned counsel has submitted that the petitioner is a young man aged 19 years and there is no other NDPS FIR registered against him. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has further submitted that the instant plea is barred by Section 37 of NDPS Act and thus, the same ought to be dismissed. Learned State counsel seeks to place on record custody certificate dated 07.04.2026 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. It is not in dispute before this Court that the petitioner is in custody since 24.12.2025. The contraband as alleged to have been recovered from the petitioner is 38.09 grams of heroin and Rs.8,200/- which has been termed as drug money. The contraband alleged to have

recovered from the petitioner is non-commercial in nature. Further, the amount of Rs.8,200/- allegedly recovered from the petitioner is termed as drug money, the sole basis thereof, at this juncture, is the confessional statement of the petitioner. The veracity of the said statement would be delved upon during the course of investigation/trial. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence & the petitioner is not involved in any other case under the NDPS Act.

6.1. As per custody certificate dated 07.04.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 13 days.

6.2. In this view of the matter, the rigor imposed under Section 37 of the NDPS Act stands diluted.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

April 08, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

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