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

CRM-M No.16447 of 2026
Date of Decision: 02.04.2026
Date of Uploading: 02.04.2026

Bharat

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Divya Gulati, Advocate
for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023/439 Cr.P.C., for grant of regular bail to the
petitioner in case bearing FIR No.0203 dated 08.12.2025, registered for the
offences punishable under Sections 21(b)/27(a) of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (for short 'NDPS Act') [Sections
29/61/85 of NDPS Act added later-on], at Police Station "A" Division,
District Amritsar.

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 25 grams of heroin from co-accused Sagar Sandhu and drug money of Rs.1,150/- from the petitioner.

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 08.12.2025. Learned counsel has further submitted that the petitioner has falsely been implicated into the FIR in question. Learned counsel has further submitted that the mandatory provisions of the NDPS Act have not been scrupulously complied with, and hence, the prosecution version suffers from inherent defects. Learned counsel has further submitted that assuming *arguendo*, the prosecution version is taken to be correct, 25 grams of heroin is stated to be recovered from co-accused, namely, Sagar Sandhu and Rs.1,150/- of drug money has been recovered from the petitioner. 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 01.04.2026 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. The petitioner was arrested on 08.12.2025 and is stated to be in custody since then. It is not in dispute before this Court that the contraband alleged to have been recovered qua the FIR in question is 25

grams of heroin, which is non-commercial in nature. Further, the amount of Rs.1,150/- recovered qua the FIR in question, has been termed as 'drug money', sole basis thereof at this juncture, is the confessional statement of the accused. The veracity of the said statement, of course, shall be tested during the course of 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.

6.1. As per custody certificate dated 01.04.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 23 days. Further, as per the said custody certificate the petitioner is stated to be involved in another case/FIR. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in CRM-M No.38822-2022 titled as ***Akhilesh***

Singh v. State of Haryana, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191.***

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/Illaq 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 02, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

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