



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

**CRM-M No.17915 of 2026
Date of Decision: 09.04.2026**

Heera Singh @ Hira

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Hitesh Chopra, Advocate for the petitioner.

Ms. Diya Sodhi, Senior DAG, Haryana.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court by way of present fourth petition praying for granting him regular bail in case FIR No.10 dated 09.02.2025, under Section 18(61-85-29) of NDPS Act, registered at Police Station Purana Shalla, District Gurdaspur.

2. Succinctly the facts of the case are that the police while on patrolling on 09.02.2025 apprehended 02 young persons, namely, Dhrinder Shah and Bablu Yadav, who were suspected to be carrying some narcotic substance in the polybag being thrown by them. Thus, search was conducted. On conducting the search of the polybags, 750 grams of opium from each, was recovered from their possession. They failed to produce any license regarding the possession of the same. Thus, the FIR was registered and investigation commenced. Samples taken were sent to FSL. During investigation, complicity of the petitioner was surfaced who was found to be purchaser of the contraband, thus, he was also arrayed as an accused. Resultantly, he was arrested on 11.02.2025. The petitioner approached the Court of learned Judge, Special Court, Gurdaspur praying for the grant of bail. However, after hearing



both the sides, finding no merit in the same, the learned Judge, Special Court, Gurdaspur dismissed the petition filed by the petitioner vide order dated 19.05.2025. Being aggrieved, petitioner earlier approached this Court thrice by way of filing CRM-M-30056-2025, CRM-M-62523-2025 and CRM-M-4690-2026, however, the same were declined vide orders dated 08.10.2025, 18.11.2025 and 03.02.2026, respectively. Hence being aggrieved, the petitioner is before this Court by way of filing the present fourth petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that neither the petitioner was named in the FIR however, he has been implicated in the present case on the basis of disclosure statement of the co-accused. It is submitted that the alleged recovery from the co-accused has been effected from a public place, however, there was no independent witness joined by the investigation agencies. It is submitted that the compliance of Section 50 of NDPS Act, was mandatory, however, there is blatant violation of the same. He submits that the disclosure statement in itself is not even an admissible evidence. He thus, has submitted that in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submission made by counsel for the petitioner and has submitted that as per the investigation conducted so far, the petitioner was found to be the purchaser of the contraband. She has submitted that during investigation, co-accused have disclosed their direct nexus with the present petitioner, to whom they were to deliver the recovered contraband. During further investigation, 2.5 kgs of opium was also recovered from the possession of the petitioner. It is submitted



that the total recovery effected from the co-accused on the spot is 1.5 kgs of opium and thus, total recovery effected in the present case is of 4 kgs of opium, which falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act, are attracted in the present case. She thus, submits that no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, who was arrayed as an accused on the basis of disclosure statement of co-accused. Though petitioner was not named in the FIR, however, he was found to be the purchaser of the said contraband and from his possession, 2.5 kgs of opium was recovered. As submitted, there was a direct nexus between the petitioner and the co-accused and total recovery effected in the present case is 04 kgs of opium, which is a huge commercial quantity.

6. Keeping in view the above said position, this Court does not find any ground to release the petitioner on bail, at this stage. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

09.04.2026
m.sharma

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