



221+223 (2 cases)

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

1. CRM-M-22169-2026

Amarjeet Ram @ BabaPetitioner

versus

State of Punjab Respondent

2. CRM-M-24734-2026

Harpreet Singh @ PreetPetitioner

versus

State of Punjab Respondent

Date of decision : 12.05.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vedant Setia, Advocate
for the petitioner in CRM-M-22169-2026.

Ms. Janya Sirohi, Advocate
for the petitioner in CRM-M-24734-2026.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.62 dated 02.03.2026, under Sections 21(b), 27(a) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Lambi, District Sri Muktsar Sahib, Punjab.



3. Succinctly, the facts of the present case are that the police party, while on patrolling on 02.03.2026, when reached near village Panjawa, saw two young men were standing near a motorcycle make Hero Splender Plus, who were searching something in a Waxy Polythene bag lying on the said motorcycle. On seeing the police, they got perplexed and tried to escape, however, on suspicion, they were apprehended. On asking, they disclosed their names to be Amarjit Ram @ Baba (petitioner in CRM-M-22169-2026) and Harpreet Singh @ Preet (petitioner in CRM-M-24734-2026). They were suspected to be carrying some contraband, thus, on giving the offer, search was conducted. On conducting the search, 11 grams of heroin along with drug money of Rs.15,200 were recovered from the polythene bag. They failed to produce any licence regarding possession of the same and hence, the FIR was registered and they were arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. Petitioners approached Learned Judge, Special Court, Sri Muktsar Sahib praying for grant of bail, however, finding no merit, their applications were declined after hearing both the sides by Learned trial Courts vide orders dated 15.04.2026 and 18.04.2026, respectively. Aggrieved by the same, petitioners are before this Court by way of filing of present petitions praying for grant of bail.

4. Learned counsels for petitioners have submitted that the petitioners have been falsely implicated in the present case. It is submitted that evidently as per the case of the prosecution, the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agencies. It is submitted that the conscious possession is also not proved as the alleged recovery has been effected



from a polythene bag. It is submitted that there is blatant violation of provisions of Section 50 of NDPS Act. It is submitted that petitioner-Amarjeet Ram @ Baba has no criminal antecedents and he has never been involved in any other case. It is submitted that so far as petitioner-Harpreet Singh @ Preet is concerned, though he is involved in one more case, however, he is on bail in the said case. To buttress their arguments, it is submitted that even otherwise the recovered contraband is marginally above the small quantity and thus, provisions of Section 37 of NDPS Act, are not attracted in the present case. It is thus, submitted that in the facts and circumstances of the case, petitioners deserve the concession of bail.

5. Learned State counsel has opposed the submissions made by the counsel for the petitioners and submits that both the petitioners were arrested on spot. He submits that the envelope being carried by them was searched and on search, 11 grams of heroin was recovered. He submits that besides this, Rs.15,200/- drug money was also recovered. He, on instructions, has submitted that the case is under investigation. He has produced the custody certificates of the petitioners on record.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the recovery in the present case has been effected from a public place. Violation of provisions of Section 50 of NDPS Act, are vehemently contended. Admittedly, the recovery is of 11 grams of heroin, which is a non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted. As per custody certificate, petitioners have suffered incarceration of more than 02 months. It further reflects that petitioner-Harpreet Singh @ Preet has no criminal antecedents and though petitioner-Amarjeet Ram @ Baba is involved in one more case, however, he is on bail in the said case.



7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.05.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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