



CRM-M-24181-2026

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

CRM-M-24181-2026

Date of Decision: 06.05.2026

Malkit Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. P.K.S.Phoolka, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.14 dated 17.01.2026, registered under Sections 21(B), 27, 29/61/85 of NDPS Act, 1985, at Police Station Sadar, Bathinda, District Bathinda.

2. Succinctly, facts of the case are that on 17.01.2026 the police party while on patrolling when reached about 100 meters ahead the bridge, they saw a young man, who was holding a transparent plastic bag, was sitting on the left side of the canal track. On suspicion, he was apprehended by the Police. On asking, he disclosed his name to be Malkit Singh (petitioner). Contraband was clearly seen in the transparent plastic bag being carried by him and thus, search of the same was conducted. On conducting search, 06 grams of heroin was recovered from the plastic bag. He failed to produce any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Bathinda praying for grant of



regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 21.02.2026. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that 06 grams of heroin has been allegedly recovered from the polythene bag being carried by the petitioner. He submits that the alleged recovered contraband is 06 grams of heroin which is marginally above the small quantity and falls under the non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. He submits that admittedly the alleged recovery is from a public place, however, no independent witness has been joined and thus, there is violation of mandatory provisions of Section 50 of the NDPS Act. He submits that though the petitioner is involved in eight other cases, however, he is on bail in those cases. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that it was a case of chance recovery. It is submitted that the petitioner was apprehended on the spot by the police. On due compliance of the statutory provisions of the NDPS Act, search of the petitioner was conducted and 06 grams of heroin was recovered from him. On instructions, he has submitted that out of total 14 prosecution witnesses, none has been examined till date. He has placed on record the custody certificate of the petitioner.



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5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery of 06 grams of heroin was effected from a public place. Violation of Section 50 of the NDPS Act has been vehemently contended. Admittedly, the recovered contraband i.e. 06 grams of heroin is marginally above the small quantity. The custody certificate would show that the petitioner has suffered incarceration of 03 months & 17 days as on 05.05.2026. As per the custody certificate, the petitioner is involved in eight other cases, however, he is on bail in all cases. Out of total 14 prosecution witness, none has been examined.

6. 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. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

06.05.2026

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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No