



CRM-M-27437-2026

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

CRM-M-27437-2026

Date of decision : 20.05.2026

Paras @ Pididi**....Petitioner****versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Harpreet S. Rakhra, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.36 dated 17.02.2026, under Section 21(b)/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sultanwind, District Amritsar.

2. Succinctly the facts of the case are that the police party while on patrolling on 17.02.2026, when present at Chota Sua Wadhwa Singh Colony, Amritsar, saw a clean shaved young man, who on seeing the police party got perplexed and tried to escape by throwing one polythene pouch from his right hand, however, he was apprehended by the police party. On asking, he disclosed his name to be Paras @ Paddi (present petitioner). He was suspected to be carrying some contraband in the polythene, he was holding and thus, search was conducted. On conducting the search, 07 grams of heroin, was recovered from the same. He failed to produce any licence regarding the possession of the same. Thus, the FIR



investigation commenced. Samples taken were sent to FSL. On receipt of FSL report, challan was presented and charges were framed. On framing of charges, trial commenced. He approached the Court of learned Judge, Special Court, Amritsar, praying for the grant of bail. However, after hearing both the sides, finding no merit in the same, the learned trial Court, dismissed the petition filed by the petitioner vide order dated 08.04.2026. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery of 07 grams of heroin has been effected in violation of Section 50 of NDPS Act. He contends that even otherwise the recovered quantity is marginally above the small quantity. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was arrested on spot and from the bag, being carried by the petitioner, 07 grams of heroin was recovered. He submits that the alleged recovery effected falls under the category of non-commercial quantity. He submits that the petitioner is a habitual offender. He, on instructions, submits that the case is under investigation. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery from the petitioner is effected



from a public place. Violation of provisions of Section 50 of NDPS Act, is vehemently contended. It is also contended that no independent witness was joined by the investigating agency. Admittedly, as per the statue upto 05 grams heroin falls under the category of small quantity and in the present case the recovered contraband is 07 grams. As per custody certificate, the petitioner has suffered an incarceration of 03 months and 01 days as on 19.05.2026. It further reflects that the petitioner is involved in 05 more cases, however, in 03 cases, he is on bail.

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

7. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

20.05.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No