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

CRM-M-31644-2026

Date of Decision: 02.07.2026

Kuldeep Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Iqbal S. Mann, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.66 dated 18.03.2026 registered under Sections 15, 27-A of NDPS Act, 1985, at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that as per the prosecution version, the petitioner was apprehended on 18.03.2026, while he was carrying 3 kgs of poppy husk and Rs.26,000/- in his conscious possession. He further contends that in fact, the quantity of contraband recovered from the petitioner falls within the ambit of "non-commercial quantity" and the rigors of Section 37 of the NDPS Act may not apply to the facts of the present case. Apart from that, while effecting the recovery, the mandatory provisions of the Act were not followed by the police and the entire search and seizure stand vitiated. The petitioner was arrested in the present case on 18.03.2026 and after his arrest, the investigation has already completed. Apart from that, the case of

prosecution rests on the testimonies of official witnesses and the petitioner may not in a position to tamper with the prosecution evidence.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner. He further submits that one more case under the provisions of NDPS Act has been registered against the petitioner.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the quantity of contraband recovered from the petitioner falls within the ambit of definition of “non-commercial quantity” and the provisions of Section 37 of the NDPS Act may not apply strictly to the facts of the present case. Even the petitioner is stated to be in custody for the last more than 03 months and no useful purpose will be served by keeping him behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

(iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

(iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

02.07.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

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