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

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CRM-M-40719-2025 (O&M)

Date of decision : 05.03.2026

Akashdeep Singh @ Akash**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. P. S. Sekhon, Senior Advocate with
Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 50 dated 07.07.2024, registered under Sections 21-C, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ladhuwal, District Ludhiana. His previous petition was dismissed as withdrawn on 26.03.2025.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 07.07.2024, a police party headed by SI Sohan Lal was on patrolling duty, which noticed a car make Hyundai i-20 bearing registration number PB-10-GJ-5133 lying parked near Bharat Petrol Pump. Three persons were seen standing near the said car, who, on seeing the police party, threw polythene envelopes on the ground but were apprehended by the police party.

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On inquiry, they disclosed their names as Akashdeep Singh @ Akash (petitioner), Rahul Mattu @ Gopi and Rohit Singh. Search of the polythene bags, which they had thrown, was conducted and recovery of 230 grams of heroin was effected from the polythene bag, which was thrown by the present petitioner, whereas recovery of 180 grams and 100 grams of heroin was effected from the polythene bags thrown by co-accused Rahul Mattu @ Gopi and Rohit Singh, respectively. Since they could not produce any valid license or permit to keep in their possession the recovered contraband, they were formally arrested at the spot. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the alleged recovery was planted upon him. More so, as per own version of the prosecution, only 230 grams of heroin was recovered from the petitioner, which does not fall under commercial quantity. It is further argued that the recovery effected from the aforesaid co-accused cannot be added to bring it within the ambit of commercial quantity. Reliance in this regard is placed on the authority cited as ***Amarsingh Ramjibhai Barot vs. State of Gujarat : 2005(7) SCC 550***. The petitioner has clean antecedents and is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time as no prosecution witness has been examined so far. The petitioner is in custody since 07.07.2024. No useful purpose would be served

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by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the prosecution, recovery of 230 grams of heroin was effected from the petitioner, whereas recovery of 180 grams and 100 grams of heroin was effected from the polythene bags thrown by co-accused Rahul Mattu @ Gopi and Rohit Singh, respectively. The quantity of the contraband recovered from the petitioner does not fall under the commercial quantity, threshold quantity of which is 250 grams. Hence, in view of ratio of law as laid down in *Amarsingh's* case (supra), it will be a question of debate as to whether the recovery effected from the co-accused can be taken into consideration against the present petitioner to bring it within the ambit of commercial quantity and the same can be decided by the learned trial Court at the final conclusion of trial after appreciating the entire material and evidence placed on record before it. The petitioner has clean antecedents and is not involved in any other case. He is in custody since 07.07.2024. Investigation has since been completed and challan has been filed. However, no prosecution witness has been examined so far, which means conclusion of trial is likely to take time. Keeping in view the discussion as made above, this Court is of the

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considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

05.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No