



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

110

CRM-M-49317-2025 (O&M)

Date of decision : 25.02.2026

Sukhdev Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

This petition is the first petition for bail, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.117 dated 03.05.2025, for the commission of offence punishable under Section 21(C), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act', Police Station Gharinda, District Amritsar.

2. The abovementioned FIR came into being at the instance of 'SI Rajbir Singh', who had reported that while leading a team of police officials, deputed for patrolling duty, on the basis of a tip-off given by a reliable source a motorcycle was intercepted and the petitioner and his co-accused Nitin Bhaskar were apprehended and from their possession 01 kg 413 gms of Heroin was recovered.



3. It is the case of the prosecution that pursuant to recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and formal arrest of the accused were performed, and further investigation taken up.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has already suffered a prolonged incarceration for being in custody for a period of more than nine-and-a-half months. According to learned counsel for the petitioner, the petitioner has never been convicted in any other offence, and that the trial is not likely to be concluded in near future.

7. The learned State Counsel has controverted the above-mentioned arguments. It has been contended by learned State Counsel that in the present case, very huge quantity of contraband has been recovered from the possession of petitioner and his co-accused. As per learned State Counsel since the quantity of contraband recovered in this case comes within the ambit of 'commercial quantity', unless the twin conditions enshrined under Section-37 of NDPS Act are satisfied, the benefit of bail should not be accorded to the petitioner.

8. The record has been perused carefully.



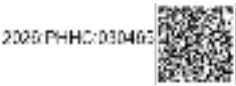
9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for a decision: -

- i) that the quantity of contraband recovered from the possession of petitioner and his co-accused is huge, and comes within the ambit of 'commercial quantity'. Thus, unless the twin conditions, enshrined under Section-37 of NDPS Act are satisfied, the petitioner should not be accorded for the benefit of bail;
- ii) that the allegations against the petitioner are quite specific, categorical and direct, that he was in conscious possession of contraband;
- iii) that the present case does not come within the category of cases, wherein this inference can be drawn that due to prolonged incarceration the petitioner is entitled for bail; and
- iv) that there is nothing on record to show that the twin conditions enshrined under Section-37 of NDPS Act stands satisfied in this case.

10. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration it leads to a conclusion that at this stage the petitioner is not entitled for the benefit of bail, and that the present petition being devoid of merit deserves dismissal.

11. Accordingly, the present petition is hereby ***dismissed***.

12. However, it is clarified that the abovementioned observations shall not have any bearing upon the merits of the case.



13. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

25.02.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No