



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

113

CRM-M-50945-2025 (O&amp;M)

Date of decision : 25.02.2026

Gurjit Singh @Saba

..... Petitioner

VERSUS

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present : Mr. Ranbir Singh Sekhon, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

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**SURYA PARTAP SINGH, J.**

This petition for bail is third petition 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.166 dated 16.09.2023, for the commission of offence punishable under Sections 21-B, 25, 27-A (Section 21-C and 29 of NDPS Act added later on), of Narcotic Drugs and Psychotropic Substances Act, Police Station Cantonment Amritsar, District Amritsar.

2. The abovementioned FIR came into being at the instance of 'SI Gurinder Singh', who reported that on 16.09.2023, when he was leading a team of police officials, near Village Nahal Ram Tirath, a picket for vehicle checking was deputed. According to complainant, a car arrived there and the occupants of the car attempted to throw away a polythene bag. According to above-named police officer, the abovementioned car driver was



overpowered and when the contents of the polythene bag were checked, it was found that in the abovementioned bag, he was carrying cash worth Rs.13,50,000/-. As per above-named police officer, in addition to above from a polythene bag, being carried in the car, 50 gms of Heroin was also recovered. It was also reported that on enquiry, the above-named accused disclosed that he had received the abovementioned money by sale of Heroin.

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. According to prosecution, pursuant to disclosure statement suffered by the petitioner, 800 gms of Heroin was recovered from the residence of petitioner.

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 has been falsely implicated in the present case, and that the trial is taking place at a very slow pace, and the same is not likely to be concluded in near future, as out of twenty two prosecution witnesses, not even a single witness has been examined so far.

7. In addition to above, the learned counsel for the petitioner has also contended that in the present case, the requisite rules and instructions were not followed by the Investigating Officer at the time of alleged



recovery, and that any independent witness was not joined at the time of recovery of contraband from the house of petitioner.

8. 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 house of petitioner. 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.

9. The record has been perused carefully.

10. 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 this is third petition for bail filed by the petitioner, and from the date of dismissal of second bail petition, no significant change in relevant circumstances has taken place;
- ii) that the recovery of contraband from the possession of petitioner is 850 gms of Heroin and Rs.13,50,000/- drug money. Thus, the rigors of Section-37 of NDPS Act are applicable to the present case;
- iii) that the period of incarceration already undergone by the petitioner is not large enough to draw an inference that there is violation of fundamental rights of speedy trial, or of the right of life and liberty;



- iv) that the petitioner does not have clean antecedents. In addition to present case, he is facing trial in other cases also, i.e. one under NDPS Act and one under Sections 379/411/420/489-A/489-B/ 489-C/419/120-B of IPC, Sections 21 and 23 of NDPS Act and Section 25 of Arms Act. In addition to above, in one NDPS Act, he is already a convict; and
- v) that there is nothing on record to show that the twin conditions enshrined under Section-37 of NDPS Act stands satisfied in this case.
11. 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. Thus it is hereby held that the present petition being devoid of merit deserves dismissal.
12. The present petition is hereby *dismissed*, accordingly.
13. However, it is clarified that the abovementioned observations shall not have any bearing on the merits of the case.
14. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)  
JUDGE

25.02.2026

Gaurav Thakur

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No