



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

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**CRM-M No.69573 of 2025
Date of decision : 27.01.2026
Date of uploading :27.01.2026**

Gurpal Singh @ Gopi**.....Petitioner**

Versus

State of Punjab**.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sukhbir Maandi, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.128 dated 22.06.2025, under Sections 21, 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985, (later on added Section 29 of NDPS Act) registered at Police Station Beas District Amritsar (Rural).

2. The gravamen of the allegations against the petitioner is that the petitioner was apprehended by the police party on suspicion while he was walking on foot near the drain, on search of plastic envelope, which he had thrown after seeing the police party, 5 gram 40 miligram heroin, and Rs.2300/- were recovered from the petitioner.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 22.06.2025. Learned counsel has further submitted that



the mandatory provisions of the NDPS Act have not been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the contraband alleged to have been recovered from the petitioner is 5.40 grams of Heroin, which is non-commercial in nature. Learned counsel has submitted that the police has sought to invoke the rigour of Section 37 of NDPS by terming the recovery of money Rs.2300 from the petitioner as drug money. Learned counsel has further submitted that there is no tangible basis for terming the said recovery as drug money except disclosure of the petitioner himself which is not tenable in law. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 26.1.2026. learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel has further submitted that the instant bail plea is barred by the rigors of Section 37 of the NDPS Act, and thus, the same ought to be dismissed.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 22.06.2025 and is in continuous custody since then. Challan, upon culmination of the investigation, stands presented on 12.01.2026. Total 30 prosecution witnesses have been cited but none has been examined till date. It is thus, indubitable that conclusion of the trial will take long. It is not in dispute that the



contraband allegedly recovered from the petitioner is 5.40 grams of Heroin, which non commercial in nature. However, recovery of Rs.2300/- terming as drug money is on the basis of confessional statement of the petitioner himself which is not tenable in law. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 26.01.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of about 6 months and 21 days. As per the said custody certificate, the petitioner is stated to be involved 10 more case/FIR(s), out of which in one case he has already been convicted. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.



Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.



10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

27.1.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No