



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

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CRM-M-70530-2025 (O&M)

Date of decision : 16.02.2026

Balwinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Arshdeep, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J.

This is first petition for bail filed by the petitioner with regard to FIR No.93 dated 10.04.2025 under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act' only, Police Station Anti Narcotics Force, District ANTF Wing, Punjab. The abovementioned FIR came into being at the instance of 'ASI Satpal', 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 raid was conducted and the petitioner and his co-accused Kamaljit Singh @Kamal were apprehended and from their possession 574 gms of Heroin was recovered.

2. It is the case of the prosecution that on 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.

3. **Notice of motion.**

4. Mr. I.P.S. Sabharwal, DAG, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner has no nexus, whatsoever, with the commission of crime, and that he has clean antecedents. The learned counsel for the petitioner has also contended that in the present case, there is very serious doubt with regard to the conscious possession of petitioner over the contraband, and also with regard to compliance of Section 50 of NDPS Act. While claiming that nothing is left to be recovered from the possession of petitioner, and that the trial is not likely to be concluded in near future, the benefit of bail has been sought for the petitioner.

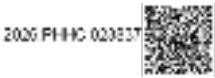


7. The learned State Counsel has controverted the abovementioned arguments. It has been contended by learned State Counsel that in the present case the recovery of contraband from the possession of petitioner comes within the ambit of ‘commercial quantity’, and therefore, unless the twin conditions enshrined 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, there are specific and categorical allegations against the petitioner that on the basis of secret information, when the petitioner and his co-accused Kamaljit Singh @Kamal, travelling on motorcycle, were intercepted, from their possession 574 gms of Heroin, which comes within the ambit of commercial quantity, was recovered. Since the abovementioned quantity comes within the ambit of ‘commercial quantity’, as per Section-37 of NDPS Act without satisfying the twin conditions, the benefit of bail cannot be accorded to the petitioner.

10. It is also relevant to mention here that the petitioner is in custody for a period of ten months, and the abovementioned period of incarceration cannot be treated to be large enough to draw an inference that fundamental right of life and liberty, or of speedy trial, guaranteed to the petitioner under the Constitution, is being infringed in this case. Admittedly, there is no delay in the trial as the period of custody is not large enough. Thus, it is hereby held that without satisfying the twin conditions enshrined



under Section-37 of NDPS Act, the petitioner is not entitled for the benefit of bail.

11. The facts and circumstances of the case show that the petitioner has failed to comply with any of the twin conditions. Thus, the rigors of Section-37 of NDPS Act are not complied with in the instant case. In view of abovementioned observations, it is hereby held that being devoid of merit the present petition deserves dismissal. The same is hereby *dismissed*, accordingly.

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

16.02.2026

Gaurav Thakur

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