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

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Date of decision: 22.12.2025

DILBAGH SINGH @ VICKY**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.270 dated 18.10.2025 under Sections 21 and 27(a) of NDPS Act, 1985 registered at Police Station Jandiala, District Amritsar Rural.

2. Succinctly the facts of the case are that on 18.10.2025, police party while on patrolling, were going towards village Dheerekot and when they reached near irrigation rest house, near turn Dheerekot, one young boy was seen coming on foot. On seeing the police party, he got perplexed and he threw polythene packet from the right pocket of his trouser. On suspicion, he was apprehended. On asking, he disclosed his name to be Dilbagh Singh @ Vicky. He was suspected to be carrying some contraband. Thus, search was carried out. On conducting the search, 10 grams of heroin

was recovered from the polythene having been thrown by the petitioner. He

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failed to produce any license regarding the possession of the same and he was arrested at the spot. On registration of FIR, investigation commenced. He approached the learned Judge, Special Court, Amritsar for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application vide order dated 01.12.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place and no independent witness has been joined and the provisions of Section 50 of the NDPS Act have been violated. He further submits that even otherwise the alleged recovery was of 10 grams of heroin, which is marginally above the small quantity. He further submits that the petitioner was also implicated in one more case, however, he is on bail in that case. He further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the recovery of 10 grams of heroin was effected from the petitioner in due compliance of the provisions of the NDPS Act. He further submits that the case is under investigation. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery has been effected from a public place, is of 10 grams of heroin which falls within the category of non-



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commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 02 months and 20 days as on 08.01.2026. It further reflects that petitioner is involved in one more case, however, he is on bail in that case.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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