



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

CRM-M-73436-2025
Date of decision: 13.01.2026

MEHAKDEEP SINGH ALIAS MEHAK

....Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

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

Ms. Aiman J. Chishti, AAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.55 dated 22.10.2025, under Sections 21/29/61/85 of NDPS Act, registered at Police Station Mattewal, District Amritsar.
2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.
3. As per prosecution case, one Balwant Singh @ Joga was apprehended by police party on 22.10.2025 and 15 grams of heroin was recovered from his possession. On interrogation, he nominated the present petitioner as supplier and his accomplice. Thereafter, petitioner was arrested on 10.11.2025 and 10 grams of heroin was recovered from his possession.
4. Learned counsel for the petitioner argued that the petitioner has been



falsely implicated in the present case. Petitioner is in custody since 10.11.2025. The contraband recovered falls within non-commercial quantity. Trial will take a long time to conclude and the petitioner be, thus, released on bail. In support of his contention, learned counsel has cited 2022 (4) RCR (Criminal) 299, **State of West Bengal v. Rakesh Singh @ Rakesh Kumar Singh** and judgment dated 18.7.2025 passed by Coordinate Bench of this Court in CRM-M-34380-2025 titled **Shamsher Singh @ Shera v. State of Punjab** in which it has been held that where the quantity involved is non commercial, rigors of Section 37 of NDPS Act do not apply.

5. On the other hand, learned State counsel has opposed the bail and argued that petitioner is a habitual offender and he is involved in 04 more cases. In view of his past conduct, he is not entitled to be released on bail.

6. In the present case, 15 grams of heroin was recovered from co-accused Balwant Singh @ Joga and he nominated the present petitioner as supplier and his accomplice and 10 grams of heroin was recovered from him. The contraband recovered falls within non-commercial quantity and as such, the rigors of Section 37 of NDPS Act pertaining to grant of bail are not attracted. Moreover, the petitioner is in custody since 10.11.2025. Trial is likely to take sufficiently long time to conclude and further detention of the petitioner is, thus, not required and he deserves to be released on bail. Moreover, involvement of petitioner in other cases cannot be made a ground to decline the bail in the present case, in view of the ratio of law laid down by Hon'ble Supreme Court in 2012(2) SCC 382, **Prabhakar Tiwari Vs. State of UP and Anr.** and 2020(1) RCR (Criminal) 831, **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others.**



7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. Pending misc. application (s), if any, shall also stand disposed of.

13.01.2026
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No