



CRM-M-47692-2025 (O&M)

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

S.No.219

CRM-M-47692-2025 (O&M)

Date of Decision : 4.9.2025

Rasal Singh

... Petitioner

Versus

State of Punjab

... Respondents

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. Jasdeep Singh Gill, Advocate,  
for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab

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**YASHVIR SINGH RATHOR, J. (Oral)**

This is second bail application and the first bail application was dismissed vide order dated 13.11.2024.

2. Prayer in the present second petition is for grant of regular bail to the petitioner in case having FIR No.63 dated 8.6.2024 registered under Sections 21(b) of NDPS Act (Sections 21-C and 29 of NDPS Act added later on) at Police Station Khemkaran, District Tarn Taran.

3. Brief facts of the prosecution case are that on 8.6.2024, a police party was on patrolling duty and when they reached near village Kals, two persons were standing on the road side and on seeing the police party, they threw the polythene envelopes being carried by them and tried to run away but they were apprehended. They disclosed their names as Rasal Singh



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(petitioner) and Mandeep Singh. From the envelope thrown by accused-Rasal Singh, 200 grams of Heroin was recovered while 55 grams of Heroin was recovered from the envelope of co-accused Mandeep Singh and total 255 grams of Heroin was recovered. After completion of usual investigation, final report has been presented and the petitioner is facing trial.

4. Learned counsel for the petitioner contended that 200 grams of Heroin was allegedly recovered from the possession of the petitioner which falls within the non-commercial quantity as the possession of Heroin up to 250 grams falls within non-commercial /intermediate quantity and the recovery from both the accused which comes to 255 grams cannot be clubbed to make it a case of recovery of commercial quantity and since quantity recovered from the petitioner is non-commercial, rigors of Section 37 of NDPS Act are not attracted. The petitioner is in custody since 8.6.2024. Out of 15 witnesses cited by the prosecution, only 6 prosecution witnesses have been examined till date. The petitioner is not involved in any other case. Trial is likely to take sufficiently long time to conclude and further detention of the petitioner is not required and he may be released on bail. In support of his contention, learned counsel has cited **Law Finder Doc Id # 2661698 Satnam Singh v. State of Punjab** decided on 22.10.2024.

5. On the other hand, learned State counsel has opposed the bail and argued that the petitioner was apprehended along with co-accused namely Mandeep Singh from whom 55 grams of Heroin was recovered while 200 grams of Heroin was recovered from the petitioner and in view of



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the gravity of the offence, the petitioner does not deserve the concession of bail.

6. In the present case, 255 grams of Heroin has been recovered from both the accused but only 200 grams of Heroin has been recovered from the petitioner and 55 grams of Heroin has been recovered from co-accused Mandeep Singh. Learned trial Court has held that 255 grams of Heroin falls within commercial quantity and rigors of Section 37 of NDPS Act are attracted and the petitioner is, thus, not entitled to be released on bail. However, a Coordinate Bench of this Court in **Satnam Singh's** case (supra) has held that recovery from co-accused cannot be clubbed to bring the quantity within the commercial quantity and as such, the contraband recovered from the petitioner will fall within non-commercial quantity and rigors of Section 37 of NDPS Act are, thus, not attracted in the case. The petitioner is in custody since 8.6.2024. Trial is likely to take a long time to conclude and his further detention is, thus, not required and the petitioner, thus, deserves to be released on bail.

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.

( **YASHVIR SINGH RATHOR** )  
**JUDGE**

September 4, 2025

Paritosh Kumar

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