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

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**CRM-M-31379-2024 (O&M)
Date of decision: 07.05.2025**

Sukhdev Singh @ Mithu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Navjot Kaur, Advocate for
Mr. B. S. Bhalla, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. CRM-17601-2025

Prayer in this application is for restoring the main petition,
which was dismissed for non-prosecution on 10.03.2025.

For the reasons stated in the application, the same is allowed.
The main petition is restored to its original number and stage. The same be
taken on board for hearing today itself.

2. CRM-M-31379-2024 (O&M)

Prayer in this petition, filed under Section 439 of Cr.P.C., is for
grant of regular bail to the petitioner in FIR No. 13 dated 27.02.2024,
registered under Sections 21-C and 29 of Narcotic Drugs and Psychotropic
Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kathunangal,
District Amritsar.

3. Brief facts of the case relevant for the purpose of disposal of the

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present petition are that on 27.02.2024, the petitioner was apprehended by a police party headed by ASI Ajit Singh and recovery of 270 grams of heroin was effected from him. Upon interrogation, he disclosed that he had purchased the recovered contraband from one Sartaj Singh. The said person was also nominated as an accused in this case but could not be arrested so far. The petitioner had moved an application before the Court of learned Judge, Special Court for grant of regular bail but the same had been dismissed, vide order dated 20.05.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the recovery, shown to have been effected from him, was planted upon him. It is further argued that the mandatory provisions of the NDPS Act were not complied with. Investigation is still pending, which shows that after conclusion of the same and on filing of challan, conclusion of trial would take a long time. The petitioner is in custody since 27.02.2024. No useful purpose would be served by keeping him in custody. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

5. Reply along with the custody certificate of the petitioner has been filed by respondent-State. It is stated therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of regular bail as commercial quantity of the contraband was recovered from him. The quantity of the recovered contraband falls under the commercial quantity. He is a habitual offender and is involved in three more cases of similar nature. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. Co-accused Sartaj Singh is still

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absconding. There are chances of petitioner's absconding or indulging in similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

7. As per the allegations, the petitioner was apprehended by the police party on 27.02.2024 and recovery of 270 grams of heroin was effected from him. He is shown to be involved in three more cases under the NDPS Act. The quantity of recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The apprehension expressed by learned State counsel that the petitioner may indulge in similar offences, if released on bail, cannot be stated to be unfounded keeping in view his criminal antecedents. Therefore, keeping in view the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

07.05.2025

Waseem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*