



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(228) **CRM-M-50547-2025 (O & M)**
Date of decision: 15.09.2025

Baldev Singh

... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. A.P.S. Sandhu, Advocate,
and Mr. Ashish Kaushik, Advocate, for the petitioner.

Mr. M.S. Toor, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 483 of BNSS is for the grant of regular bail to the petitioner in case FIR No.164 dated 05.07.2024 under Sections 18/25/29 of the NDPS Act, 1985, registered at Police Station Gharinda, Amritsar.

2. The brief facts of the case are that the petitioner-Baldev Singh and a co-accused/Sajanbir Singh were apprehended with 02 kgs. 528 grams of opium.

3. The learned counsel for the petitioner contends that there is a violation of the mandatory provisions of the Act regarding the search and seizure. No independent witness of recovery was joined during the course of the recovery proceedings. Since the recovery of 02 kgs. 528 grams of opium is marginally above the commercial quantity of 02 kgs. 500 grams, the petitioner is a first-time offender, in custody since 05.07.2024 and none of the 10 prosecution witnesses has been examined so far, the Trial of the case



is not likely to be concluded anytime soon. Therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the offences of this kind are on the rise and commercial quantity of contraband has been recovered from the accused because of which Section 37 of the Act would be a bar to the grant of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 05.07.2024 and none of the 10 prosecution witnesses has been examined so far.

5. I have heard the learned counsel for the parties.

6. In the cases of '*Sukhchain Singh @ Manga Versus State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh versus State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya versus State of Punjab (CRM-M-37645-2021) decided on 11.11.2022, Jang Kanwar Versus State of Punjab (CRM-M-53415-2021) decided on 19.01.2022, Shankar Prashad Chanau Versus The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar Versus State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim Versus State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Gagandeep Versus State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi Versus State of Punjab, CRM-M-41039-2019, decided on 26.02.2020, Dalbara Singh Versus State of Punjab, CRM-M-47880-2022 decided on 16.01.2023, and Vivek Watts versus State of Punjab, CRM-M-13791-2022 decided on 15.02.2023*, where the recovery from the accused was marginally above the commercial quantity for the respective contraband in each case, the Court granted bail to the accused therein.

