



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

**CRM-M-23873-2025**

**Date of Decision:08.05.2025**

Ajit Masih

...Petitioner

vs.

State of Punjab

...Respondent

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Sukhwinder S. Aviraj, Advocate  
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 25, dated 29.03.2025, registered under Sections 21(b), 27A and 29 of NDPS Act, Police Station Dhariwal, District Gurdaspur (Annexure P-1).

2. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, the petitioner was found carrying six grams of heroin, which is "non-commercial quantity". He further contends that the petitioner was arrested in the present case on 29.03.2025 and is in custody since then. Even the quantity of contraband allegedly recovered from the petitioner, falls within the ambit of "non-commercial quantity". Consequently, the mandatory provisions of Section 37 of the NDPS Act may not apply to the facts of the present case. Even the investigation is almost complete and the further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed

the prayer made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, the prosecution alleged that the petitioner was carrying six grams of heroin, which is marginally higher than the small quantity and is “non-commercial quantity”. He is stated to be in custody 29.03.2025 and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

08.05.2025  
*hitesh*

**(N.S.SHEKHAWAT)**  
**JUDGE**

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