



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-47230 of 2025

Reserved On: 16.09.2025
Pronounced On: 19.09.2025

Balwinder Singh alias Sonu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Amit Arora, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Section 21, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as "the NDPS Act" only, the FIR No. 130 dated 18.06.2025, has been lodged in Police Station Jandiala, District Amritsar Rural. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first petition for bail, filed by the petitioner, under Section 483 of BNSS.

2. Succinctly, the facts emerging from record are that the FIR of this case came into being on chance recovery of contraband from the possession of accused. It is the case of prosecution that on 18.06.2025, when a police party headed by SI Naresh Kumar was on patrolling duty at Charsta

Bridge, near village Jania, it spotted a person coming on foot. When the above said person noticed that the police party was present on his way ahead, he suddenly tried to sneak away by taking a U-turn. According to prosecution, in view of above mentioned suspicious conduct of above said person he was apprehended. Accorded to prosecution, he disclosed his name as Balwinder Singh alias Sonu, the petitioner. It has been further alleged that when the search of the person of petitioner was conducted, it was found that in the plastic bag being carried by him, there was 20 grams of heroin. It is the case of prosecution that on recovery of above mentioned contraband, the necessary formalities with regard to search, seizure and arrest of the petitioner were undertaken. The FIR was lodged and the investigation taken up.

3. Heard.

4. It has been argued by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case, and that nothing has been recovered from his possession. According to learned counsel for the petitioner, otherwise also, the requisite rules and regulations with regard to search and seizure have not been followed, and therefore, the prosecution of petitioner is apparently not likely to succeed. As per learned counsel for the petitioner, the benefit of bail has already been accorded to co-accused, of the petitioner, and therefore, on the ground of parity, too, the petitioner is entitled for bail.

5. In addition to above, it has also been argued by learned counsel for the petitioner that the quantity of contraband recovered from the possession of petitioner is little above the prescribed small quantity of

heroin, i.e. 20 grams against the maximum limit of small quantity of 5 grams. According to learned counsel for the petitioner, the above mentioned quantity recovered from the possession of the petitioner is only a fraction of minimum quantity prescribed for commercial quantity, i.e. 250 grams, and therefore, the recovered drug from the possession of petitioner comes in the category of intermediate quantity.

6. The learned State counsel has controverted the above mentioned arguments of learned counsel for the petitioner. According to learned State counsel, the petitioner has been in custody for a period of almost three months only and that he has not a clean criminal history. As per the learned State counsel, earlier also the petitioner has been prosecuted for the offences under the NDPS Act, and therefore, in the given fact situation, he is not entitled for the benefit of bail.

7. The record has been perused carefully.

8. A careful perusal of the record shows that in the present case, there are sufficient relevant points which are necessary to be taken into consideration for arriving at any decision in the present petition. Those points are:-

- i) that the petitioner is already in custody for a period of almost three months;
- ii) that the quantity of contraband recovered from the possession of petitioner is only a fraction of lowest threshold of commercial quantity, and little above the maximum quantity fixed for small quantity;
- iii) that the benefit of bail has already been accorded to the

co-accused of petitioner;

- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that trial is not likely to be concluded in near future; and
- vi) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

9. If the cumulative effect of all the aforesaid factors is taken into consideration, it transpires that the present petition deserves to be allowed. Hence, the same is hereby allowed and the petitioner is admitted to bail subject to furnishing bail bonds to the satisfaction of the learned trial Court. In case, the learned trial Court is not available, on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court.

10. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

September 19, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No