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

**CRM-M No.40807 of 2025
Date of decision : 05.08.2025**

Varinder Singh @ Barinder Singh**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present :- Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

**********RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.51, dated 01.06.2025, under Sections 21, 25 & 29 (Act No.61) of NDPS Act, 1985), registered at Police Station Rureke Kalan, District Barnala.

2. Succinctly the facts of the case are that the police party while on patrolling, on 01.06.2025, received a secret information to the effect that Varinder Singh is indulged in keeping *Chitta* intoxicant powder in his house and sell the same to various people and in case of raid at his house, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and the raid was conducted at the place disclosed, where a person was found to be sitting. On seeing the police, he threw some envelopes under the bed. On asking,



he disclosed his name as Varinder Singh, i.e. the petitioner. He was suspected to be carrying some contraband and thus, the envelopes thrown by the petitioner were searched. It was found containing heroin (chitta) weighing 11 grams. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced and the challan was presented. The petitioner approached the Court of learned Judge, Special Court, Barnala, praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Barnala declined the petition filed by the petitioner vide order dated 17.07.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the FIR was registered on the basis of secret information, however there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that there is a violation of provisions of Section 50 NDPS Act as well in conducting the alleged search. He has submitted that in a premeditated manner, the case has been planted upon the petitioner. He has further submitted that even otherwise the contraband allegedly recovered from the petitioner falls under the category of non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. He has further submitted that the petitioner has no criminal antecedents as he has never been involved in any other case under the NDPS Act. He has submitted that in the facts and



circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. She has submitted that on the due compliance of provisions of NDPS Act, the alleged recovery has been effected from the petitioner, which is a non commercial quantity. She, on instructions, has submitted that the investigation is complete and the challan is presented. She has placed on record custody certificate of the petitioner dated 04.08.2025 today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on the basis of secret information. Investigation in the case stands completed. Needless to say that the alleged recovery is 11 grams of heroin, which is a non commercial quantity, and thus the provisions of Section 37 of NDPS Act are not attracted. The petitioner is behind bars since the date of his arrest, i.e. 01.06.2025. Custody certificate produced would show that the petitioner has completed incarceration of 02 months and 02 days as on 04.08.2025. It further reflects that the petitioner is involved in 03 other cases, however he is on bail in all the cases.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned



counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.08.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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