



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

CRM-M-22059-2025

Date of Decision: 28.07.2025

Vishal @ Vishal Masih

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S.K. Chaoudhary, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.65 dated 05.03.2025 under Section 21 of NDPS, 1985 (Section 27-A of NDPS Act, added lateron), registered at Police Station Civil Lines, Batala.
2. Succinctly, facts of the case are that on 05.03.2025, the police party while on patrolling, received a secret information to the effect that Vishal (petitioner) is indulged in selling drugs. It was informed that he was looking for customers standing on the back side of the empty plot of New Abadi Umarpura, Batala. In case of raid, he could be arrested alongwith the contraband. On receiving the secret information, the police party carried out raid at the disclosed place and saw a person sitting on the wall of the plot. On seeing the police, he got perplexed and threw a transparent wax envelop from the right pocket of his pant. However, he was apprehended by the police. On asking, he disclosed his name as Vishal (petitioner). On searching the transparent envelop, 06 grams of heroin was recovered. He failed to produce any licence regarding the possession of the same. Thus, on the registration of the FIR, the petitioner was arrested on the spot. The samples



taken were sent to the FSL. The investigation commenced. The petitioner approached the Court of learned Judge, Special Court, Gurdaspur praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 17.04.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the FIR was registered on the basis of secret information, however, there is violation of mandatory provisions of Section 42 of the NDPS Act. He submits that there is violation of Section 50 of NDPS Act as well. He submits that even otherwise, the alleged recovery is marginally above the small quantity. He submits that the petitioner has no criminal antecedents. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner was specifically named in the secret information. She submits that on conducting search, he was found to be in possession of 06 grams of heroin, which is non-commercial quantity. She submits that challan is presented and charges are also framed. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that alleged recovered in the present case is 06 grams of



heroin, which is marginally above the small quantity i.e. 05 grams. Investigation is completed. The custody certificate reflects that the petitioner has suffered incarceration of 04 months & 20 days as on 26.07.2025. It further shows that the petitioner has no criminal antecedents.

6. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

28.07.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No