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

**CRM-M No.37326 of 2025
Date of decision: 22.07.2025**

Shubham

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Harpal Singh Sidhu, 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.49, dated 06.05.2025, under Sections 21-B & 27-A of NDPS Act, 1985, registered at Police Station Ranjit Avenue, District Amritsar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 06.05.2025, saw a person coming on foot. On seeing the police, he got perplexed and started walking quickly. He took out the plastic pouch from his right pocket and threw it on the ground. The police apprehended him and on asking, he disclosed his name as Shubham. The police suspected some contraband in the plastic pouch thrown by him. On checking the same, 20 grams of heroin was found in the same. He failed to



produce any licence regarding the conscious possession of the same and thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail. However after hearing both the sides, finding no merit in the same, the learned Judge, Special Court, Amritsar declined the petition filed by the petitioner vide order dated 12.06.2025. Hence being aggrieved, the petitioner is 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 implicated in the present case. He has submitted that the alleged recovery of 20 grams of heroin was planted upon the petitioner. He has submitted that no independent witness has been joined as the recovery was made in a public place. He has submitted that even otherwise the alleged quantity is non commercial in nature and thus the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner has no criminal antecedents as he is never been involved in any other case. 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. He, on instructions, has submitted that the quantity of 20 grams of heroin was recovered on due compliance of provisions of NDPS Act. He has submitted that the case is under investigation. He, on instructions from SI Jagbir Singh, has submitted that the petitioner has no criminal antecedents.



5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery effected from the petitioner is 20 grams of heroin, which is a non commercial quantity. The petitioner has no criminal antecedents as he has never been involved in any other case as submitted before this Court.

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 his 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.

(RAJESH BHARDWAJ)
JUDGE

22.07.2025

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