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

CRM-M-11164-2023

Date of decision:-01.04.2025

GURDEEP SINGH... **Petitioner****Versus****STATE OF PUNJAB**... **Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
147	06.11.2020	8, 18, 21, 23, 2, 27, 27A, 29 of NDPS Act, Section 27, 30 of Arms Act and 171, 395, 419, 473 IPC and 64 of Punjab Police Act, 2007	STF Phase IV, Mohali, District SAS Nagar(Area PS Sahnewal, Ludhiana)

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that the petitioner has no concern whatsoever with the



alleged recovery and is in custody since 06.11.2020, after completion of investigation challan has already been presented in Court, and conclusion of trial will take sufficient long time. Hence, prays for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that on the basis of secret information police party conducted raid on 05.11.2020 and present petitioner was apprehended and during investigation, 5 kg 909 grams of heroin, 400 grams of opium, 11 luxury cars, currency of ₹50,24,950/- illegal weapons, 91.5 grams of gold have been effected. He submits that the alleged recovered contraband falls within the purview of commercial quantity, which attracts Section 37 of the NDPS Act, as such, the petitioner is not entitled to the concession of bail. Moreover, he submits that petitioner is habitual offender and is involved in 7 criminal cases out of which 2 are under NDPS Act, hence, prayed for dismissal of the regular bail petition.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered by the police to the effect that on secret information, police raid was conducted and present petitioner alongwith Ravej Singh Dhillon, Iqbal Singh and Ramneek Singh @ Raney were apprehended and recovery of 5 kg 909 grams of heroin, 400 grams of opium, 11 luxury cars, currency of ₹50,24,950/- illegal weapons, 91.5 grams of gold have been effected from them. The recovered contraband falls within the purview of 'commercial quantity' and attracts bar under Section



37 of the NDPS Act.

5. Admittedly, as per the reply submitted by the State, petitioner is also involved in 7 criminal cases out of which 2 cases registered under NDPS Act. Therefore, considering the nature and gravity of the offence, as well as the the fact that the recovered contraband falls within the purview of 'commercial quantity', attracting bar under Section 37 of the NDPS Act, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

01.04.2025

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |