



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

CRM-M-49898-2025

Date of Decision:-11.09.2025

Shubham @ Tinku.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ashish Grewal, Advocate for the Petitioner.

Mr. T.P. Singh, Sr. DAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 483 BNSS is for grant of the grant of regular bail in case FIR No.86 dated 12.05.2025 under Sections 21 (b) and 29 of NDPS Act, 1985 registered at Police Station Sadar Jagadhri, District Yamuna Nagar.

2. The brief facts of the case are that petitioner-Shubham @ Tinku and Ravi Kumar @ Golu @ Cheeka were apprehended by the police party and recovery of 79.95 grams of Heroin came to be effected from the petitioner whereas 29.32 grams of Heroin came to be effected from the co-accused Ravi Kumar @ Golu @ Cheeka.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the Act regarding search and seizure including Sections 42 and 50. As the petitioner is in custody since



12.05.2025, but none of the 20 prosecution witnesses has been examined so far and the recovery is of non commercial quantity of contraband, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that serious allegations have been levelled against the petitioner. Offences of this kind are on the rise and, therefore, he is not entitled to the concession of bail. He, however, concedes that the petitioner is a first time offender, in custody since 12.05.2025, but none of the 20 prosecution witnesses has been examined so far and that the recovery is of non commercial quantity of contraband.

5. I have heard the learned counsel for the parties.

6. Admittedly, the recovery from the petitioner is of non commercial quantity of contraband. Therefore, the bar contained under Section 37 of the NDPS Act would not be applicable to the case of the petitioner. Further, the petitioner is stated to be in custody since 12.05.2025 and none of the 20 prosecution witnesses has been examined so far. Therefore the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Shubham @ Tinku** son of Sh. Yashpal is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the



present case.

9. In addition the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 11, 2025

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>