



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

245

**CRM-M No.45956 of 2025
Date of decision : 28.8.2025**

Kuldeep Singh

.....Petitioner

Versus**State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rishu Mahajan, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.89 dated 11.5.2025, under Sections 18/27-A/27-B/28/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Ferozepur, District Ferozepur.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act involving 150 grams of opium and ₹11,59,500/- drug money allegedly recovered from the petitioner on 11.5.2025 in the area of road leading from village Kamal Wala to Nihala Kilcha near river.

3. Learned counsel for the petitioner has argued that the petitioner



has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner is in custody since 11.5.2025. Learned counsel has further iterated that the mandatory provisions of NDPS Act has not been scrupulously complied with and hence the prosecution case suffers from inherent defects. Learned counsel has further argued that the contraband alleged to have been recovered from the petitioner i.e. 150 grams of opium, which is non-commercial in nature but the police has sought to impose rigors of Section 37 by terming the amount of ₹11,59,500/- as drug money. Learned counsel has further argued that the sole basis of terming the said money as drug money is the confessional statement of the petitioner. Learned counsel has further iterated that the petitioner is man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has further iterated that the petitioner is accused of offence pertaining to commercial quantity under the NDPS Act, and thus, his bail petition is barred in view of the Section 37 of the Act. Learned State counsel seeks to place on record custody certificate dated 27.8.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.5.2025 and is in continuous custody since then. Investigation in the case was carried out and challan



stands presented on 7.7.2025. Total 13 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised at the Bar, including as to whether the drug money alleged to have been recovered from the petitioner has its basis solely in the confessional statement of the accused or as to whether there is any other piece of substantial evidence; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 27.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 16 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or



documentary, during the trial.

(iii) The petitioner shall not absent himself on any date before the trial.

(iv) The petitioner shall not commit any offence while on bail.

(v) The petitioner shall deposit his passport, if any, with the trial Court.

(vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

28.8.2025

Ashwani

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