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(225)

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

CRM-M-32537-2025

Date of Decision: 05.08.2025

SHANTI

... Petitioner

Versus**STATE OF PUNJAB**

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDIPresent: Ms. Rahi Mehra, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.58 dated 06.04.2025 (Annexure P-1) registered under Sections 21, 27-A (61, 65) of NDPS Act, 1985 at Police Station Jandiala, District Amritsar (Amritsar Rural).

2. The brief facts of the case are that Shanti (petitioner) came to be apprehended with 10.30 grams of heroin.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was violation of mandatory provisions of the Act regarding search and seizure including Sections 42 and 50. As the petitioner is in custody since 06.04.2025 but the report under Section 173(2) Cr.PC is yet to be filed and the recovery is of



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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 were on the rise and, therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was a first time offender, in custody since 06.04.2025, that the report under Section 173(2) Cr.PC is yet to be filed and that the recovery was 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 06.04.2025 and the report under Section 173(2) Cr.PC is yet to be filed. 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 petitioner-Shanti S/o Bohar 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



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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

05.08.2025

JITESH

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