



226

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

CRM-M-42324-2025

Date of decision : 11.08.2025

Hardeep Singh

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Tarun Vir Singh Lehal, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.131 dated 29.05.2025, under Sections 21(b), 27(a) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dinanagar, District Gurdaspur.
2. Succinctly the facts of the case are that the Police party while on patrolling on 29.05.2025, when reached near Swarg Palace, a motorcycle make TVS Rider was seen coming. They indicated them to stop for checking but one person who was pillion rider ran away from the spot and driver of the motorcycle was caught hold by the police party. On asking he disclosed his name as Hardeep Singh (present petitioner). He were suspected to be carrying some contraband and thus, on giving the offer search was conducted. On conducting the search 30 grams of heroin from the right hand side of 'chola' worn by the petitioner, was recovered along with Rs.58,500 drug money. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The petitioner



approached the Learned Judge, Special Court, Gurdaspur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Gurdaspur vide order dated 28.07.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery effected from the pocket of the '*Chola*' of the petitioner is 30 grams of heroin. He submits that the compliance of Section 50 of NDPS Act, was mandatory, however, there is violation of the same as well. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the petitioner has never been involved in any other case of the similar nature. He thus, submits that the petitioner has been roped in the present case by planting a fake recovery on him. He submits that the petitioner is behind bars since the date of his arrest. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the recovery effected from the person of the petitioner. He, on instructions, has submitted that the case is under investigation. He has produced the custody certificate of the petitioner on record. However, he endorsed the fact that the recovery effected from the petitioner is 30 grams of heroin which is a non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted.



5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner is 30 grams of heroin which is a non-commercial quantity. The petitioner is behind bars since the date of his arrest i.e. 29.05.2025. As per custody certificate, the petitioner has suffered incarceration of 02 months and 09 days, as on 08.08.2025. It further reflects that the petitioner is involved in one more case but the same is under IPC, however, no other case under NDPS Act, is registered against the petitioner.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. 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

11.08.2025

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