



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-48658-2025
Date of decision: 05.09.2025

MANJIT SINGH ALIAS LADI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

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

Mr. Gorav Kathuria, DAG Punjab,

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 BNSS has been filed by the petitioner, seeking regular bail in case FIR No.78 dated 08.06.2025, registered under Section 21(b) and 27 (A) of NDPS Act, 1985, at Police Station Division A, District Amritsar.

2. Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.

3. Brief facts of the case are that the police party was going from Cinema Suraj Chanda Tara, Amritsar towards City Centre when one person was seen coming on foot. He tried to throw away something from the left pocket but he was apprehended and 8 grams of heroin and a sum of Rs.600 were recovered from him. The accused disclosed his name as Manjit Singh (petitioner) and he was arrested. The contraband was taken into possession and after completion of investigation, challan has been presented for trial.

4. Learned counsel for the petitioner submits that the recovered quantity



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is marginally above the small quantity of 5 grams and falls within intermediate quantity. Petitioner is in custody since 08.06.2025. Learned counsel for the petitioner further argued that the investigation and trial will take sufficiently long time to conclude and no useful purpose would be served by keeping the petitioner inside jail. No offence under Section 27-A of NDPS Act is attracted and his simplicitor disclosure statement cannot be used to make out an offence under Section 27-A of the NDPS Act as there is no allegation that he was financing illicit trafficking in contraband and harbouring offenders and in these circumstances, rigors of Section 37 of NDPS Act are not attracted. In support of his contention, learned counsel has cited **2022 (4) RCR (Criminal) 299, State of West Bengal v. Rakesh Singh @ Rakesh Kumar Singh** and judgment dated 18.7.2025 passed by Coordinate Bench of this Court in CRM-M-34380-2025 titled **Shamsher Singh @ Shera v. State of Punjab** in which it has been held that where the quantity involved is not commercial, rigors of Section 37 of NDPS Act do not apply. Learned counsel, thus, prayed that the petitioner be released on regular bail.

5. On the other hand, learned State counsel has argued that petitioner is a habitual offender and he is involved in 05 more cases, in which he is already on bail. In view of his past conduct, he is not entitled to be released on bail.

6. However, learned counsel for the petitioner has controverted the State counsel and argued that in one of the FIRs under the NDPS Act, no recovery was effected from the petitioner and in fact, 10 grams of heroin was recovered from co-accused, while other cases pertain to snatching and theft, in which he is already on bail.



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7. In the present case, 8 grams of Heroin has been recovered from the petitioner along with a sum of Rs.600/-. The contraband recovered falls within intermediate quantity. Since the contraband recovered is intermediate in nature, the provisions of Section 37 of NDPS Act pertaining to grant of bail are also not attracted. Even otherwise, the applicability of Section 27-A of the NDPS Act is seriously questionable as this provision has been invoked merely on the basis of the disclosure statement of the petitioner himself and the amount recovered is petty which can be found in the possession of a common man. Moreover, the petitioner is in custody since 08.06.2025. Trial is likely to take sufficiently long time to conclude and further detention of the petitioner is, thus, not required and he deserves to be released on bail.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned.

(YASHVIR SINGH RATHOR)
JUDGE

05.09.2025
amandeep

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No