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

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**CRM-M-25088-2025 (O&M)
Date of decision : 19.08.2025**

Balveer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. L. S. Sekhon, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 15 dated 15.03.2025, registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'the Act'*) at Police Station Tallewal, District Barnala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 15.03.2025, a secret information was received by a police party headed by ASI Sukhwinder Singh to the effect that the present petitioner had illegally cultivated poppy plants in his house. Believing the information to be true, a raid was conducted at the house of the petitioner and it was found that he had sown poppy plants. The same were uprooted and on weighing, it turned out to be 04 kgs. The petitioner was formally arrested at the spot. After completion of necessary investigation and usual

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formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. Mandatory provisions of the Act were not complied with. It is further argued that the police had wrongly registered the FIR under Section 18 of the Act, whereas the poppy straw falls within the ambit of Section 15 of the Act. Even if for the sake of argument, it is believed that the case had to be registered under Section 18 of the Act, then it has to be seen that there is no measure of small quantity or commercial quantity for opium poppy because it is in fact a growing plant and would be so even at the stage of germination and till the stage of harvesting. Hence, an offence for cultivating opium poppy would only be covered by Section 18(c) of the Act and the quantity of the recovered contraband would necessarily fall under non-commercial quantity and the rigors of Section 37 of the Act would not apply at all. The learned trial Court, while dismissing the bail application of the petitioner, had wrongly observed that the contents of the sample parcel contained 'morphine' and 'codeine', whereas a perusal of the FSL report would show that although the said meconic acids were found in the sample but their percentage was not mentioned. Rather, it was specifically reported that on analysis, poppy plants were found present in the contents of the plastic sack. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 15.03.2025. He is not involved in any other case and has clean antecedents. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular

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bail. To fortify his argument, learned counsel for the petitioner relies upon the authority cited as ***Gurcharan Singh vs. State of Haryana, 2016 (4) Law Herald 3477 (P&H)***.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is alleged to have cultivated poppy plants in his house, which after uprooting were found to be of 04 kgs. As per provisions of Section 18(c) of the Act, the said quantity of the contraband would fall under non-commercial quantity. Hence, the rigors of Section 37 of the Act would not be attracted at all. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time as no prosecution witness has been examined so far. The petitioner is in custody since 15.03.2025. He has clean antecedents and is not involved in any other case. Keeping in view the aforesaid facts and circumstances and also in view of ratio of law as laid down in ***Gurcharan Singh***'s case (supra), I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other

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subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.08.2025

Wassem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No