



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

**CRM-M No.63812 of 2024
Date of Decision: 07.01.2025**

Sabar Ali

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.84, dated 24.10.2024, under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Sandaur, District Malerkotla.

2. Succinctly the facts of the case are that the police party received a secret information on 24.10.2024 to the effect that Sabar Ali, son of Roshan Deen i.e. the petitioner is involved in selling the heroin and it was informed that in case of naaka, he could be arrested on the spot along with the contraband. On finding the information reliable, the FIR was registered. On conducting the raid, 15 grams of heroin was recovered from the petitioner. He failed to produce any licence regarding possession of the same and thus he was arrested on the spot. Samples taken were



sent to the FSL. On completion of the investigation, the challan was presented. The petitioner approached the Court of learned Judge, Special Court Malerkotla praying for the grant of bail. However after hearing both the sides finding no merit in the same, the learned Judge, Special Court Malerkotla declined the petition filed by the petitioner vide his order dated 28.11.2024. Hence being aggrieved the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the case has been planted upon the petitioner on the basis of secret information and thus there is a violation of mandatory provisions of Section 42 of NDPS Act. He has also submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well. He has submitted that the petitioner is involved in 07 other cases and it is because of the same, the present case has been falsely planted upon the petitioner. He has submitted that bail of the petitioner has been rejected by the learned Judge, Special Court primarily on the ground that the petitioner is involved in other cases, however the same cannot be a ground for rejection of bail in the present case. He has submitted that investigation is complete and the petitioner is behind bars since the date of his arrest i.e. 24.10.2024. He has further submitted that even otherwise the contraband recovered from the petitioner is a non commercial and thus the provisions of Section 37 NDPS Act are not attracted. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted bail.



4. *Per contra*, learned counsel for the State has opposed the submissions made by counsel for the petitioner. He has submitted that after due compliance of Sections 42 and 50 of NDPS Act, the recovery weighing 15 grams was of heroin effected from the petitioner. He has submitted that the petitioner is a habitual offender, who is involved in 07 other cases. He has submitted that the investigation is complete and charges are also framed. He has submitted that out of 15 prosecution witnesses, no witness has been examined till date.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered from the facts and circumstances of the case that the case of prosecution is based on secret information. The alleged recovery made from the petitioner is 15 grams of heroin, which is a non commercial quantity. Though the petitioner is involved in other cases as well, however that in itself cannot be a ground for rejection of bail filed by the petitioner. As submitted before this Court, the investigation is already complete and charges are also framed. The petitioner is behind bars since 24.10.2024. Out of 15 prosecution witnesses, none has been examined.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned



counsel for the petitioner succeeds in making out a case for the grant of bail. 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.

07.01.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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