



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

**CRM-M-14013-2026 (O&M)
DECIDED ON: 20.04.2026**

RINKU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. G.S. Randhawa, Advocate
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

MANDEEP PANNU, J (ORAL)

1. This is the first petition under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.130 dated 16.10.2025, registered under Sections 21(b), 27-A, 29 of the NDPS Act at Police Station Sadar Gurdaspur, District Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and nothing has been recovered from his conscious possession. It has been further contended that the contraband allegedly recovered from the petitioner i.e. 8 grams of heroin falls within the category of intermediate quantity. Learned counsel further submits that the petitioner is in custody since 16.10.2025, investigation in



the present is complete, therefore, no useful purpose would be served by keeping the petitioner behind the bars.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner in Court today, which is taken on record. He has opposed the prayer for grant of regular bail on the ground that the petitioner is a habitual offender as he is involved in 13 other criminal cases i.e. 10 cases under the NDPS Act and 03 cases under the Excise Act.

4. I have heard learned counsel for the parties and perused the record of the case file.

5. Admittedly, the petitioner has suffered incarceration for a period of 3 months and 14 days. The contraband allegedly recovered from the petitioner falls within the category of intermediate quantity. Furthermore, the conclusion of the trial will take considerable time, for which the petitioner cannot be detained behind the bars for an indefinite period.

6. Regarding recovery of Rs.1000/- as drug money from the petitioner, *prima facie* there is no evidence to link the present amount as drug money. It has been held by a Coordinate Bench of this Court in '**Parveen @ Raman vs. State of Punjab**', CRM-M-48691-2024 decided on 18.10.2024.

“12. Thus, the money was not even recovered along with the contraband but from the petitioner's purse. It is most common for Indian woman to keep money in their purses. The police had no evidence to term such money as drug money, and forgetting the statutory mandate of Section 23(1) and (2) of BSA, 2023, invoked the stringent penal provision of Section 27-A just to trigger the legislative restrictions placed on bail through Section 37 of NDPS Act. In such a background, Section



37 of the NDPS Act shall neither attract in law nor through its inclusion in the FIR.

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14. At the stage of invocation of Section 27A, there was no prima facie evidence of financing, directly or indirectly. Thus, the rigors of Section 37 of the NDPS Act shall also not attract.”

7. As regards the submission of learned State counsel that petitioner is involved in 13 other criminal cases, reference is placed upon the judgment of the Hon'ble Supreme Court in '***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another***', 2012 (2) SCC 382 in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another cases). The relevant portion of the said judgment is reproduced hereinbelow:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above and without expressing any opinion on the merits of the case, this Court is of the considered view that the petitioner has made out a case for grant of regular bail.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing adequate bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.



10. However, it is made clear that nothing stated hereinabove shall be construed as an expression on the merits of the case.

11. All pending miscellaneous application(s), if any, stands disposed of.

20.04.2026

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No