



CRM-M-42563-2026

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

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Decided on :07.08.2026

Jawahar Prasad

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. G.P.S. Ghuman, Advocate for the petitioner.

Mr. Gurpartap Singh, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking concession of regular bail in case FIR No. 102 dated 27.06.2025, under Sections 18C/61/85 of NDPS Act, registered at Police Station Sarabha Nagar, District Ludhiana.

2. As per the case of the prosecution, on 27.06.2025, while members of the police team were on patrolling duty in search of suspicious persons and drug smugglers near Nirvana Massage Centre, Canal Bridge, Village Jhamat, Ludhiana, one clean-shaven person aged about 45 years was noticed walking on foot with a heavy black-coloured Grow backpack on his shoulders. On noticing the police party, he started walking swiftly out of fear. On suspicion, police team headed by ASI apprehended the said person, who disclosed his name as Jawahar Prasad

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(petitioner herein). Upon conducting a search, 2.65 kg of opium was allegedly recovered from a black-coloured polythene bag.

3. Learned counsel for the petitioner submits that the alleged recovery of 2.65 kg of opium is only 100 grams above the prescribed commercial quantity of 2.5 kg. It is argued that the issue as to whether the process of weighing the contraband along with the polythene bag was carried out in accordance with the prescribed rules, regulations, and norms, or without following the mandatory procedure, would be a debatable issue during the course of trial.

It is further submitted that, in view of the aforesaid doubt regarding the manner of weighing the contraband, and considering that petitioner is in custody for a period of last for about 01 year, 01 month, and 07 days (i.e. since 27.06.2025), and is not involved in any other case till date, the petitioner deserves the concession of bail.

4. Learned State counsel opposes the grant of bail to the petitioner and submits that commercial quantity of contraband i.e. 2.65 kg of opium has been recovered from the conscious possession of the petitioner. It is contended that the recovery is marginally above the commercial quantity prescribed under the NDPS Act and the provisions of Section 37 of the NDPS Act are attracted.

It is further submitted that the plea regarding the manner of weighing of the contraband is a matter of evidence and cannot be examined at this stage while considering the prayer for bail. Same would be adjudicated during the course of trial after appreciation of evidence.

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Learned State counsel further submits that petitioner was found carrying the contraband while moving in a suspicious manner and the recovery has been effected in accordance with law. Accordingly, prays for dismissal of present petition.

5. I have heard learned counsel for the parties and have perused the paper-book.

6. Considering the facts and circumstances of the present case, particularly the fact that the alleged recovery of 2.65 kg of opium is marginally higher than the commercial quantity prescribed under the NDPS Act, issue regarding the manner of weighing of the contraband along with the polythene bag being a matter of evidence to be adjudicated during trial, and the fact that the petitioner is in custody since 27.06.2025 i.e. for a period of last about 01 year, 01 month, and 07 days, coupled with the fact that he is not involved in any other criminal case, this Court is of the considered view that the petitioner has made out a case for grant of bail.

Accordingly, without commenting upon the merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

7. Any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case. Learned trial Court shall proceed to decide the case independently, on the basis of evidence



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available on record, in accordance with law and as expeditiously as possible.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

07.08.2026

Rashmi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No