



CRM-M-321-2025

-1-

**(219) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-321-2025

Date of decision : 27.11.2025

HUSSAN ALIAS DUNNA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Munish Raj, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioner seeking concession of regular bail in case bearing FIR No.0091 dated 12.07.2024 registered under Sections 22, 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short NDPS Act, 1985) and Section 223 of Bharatiya Nyaya Sanhita, 2023 (BNS, 2023) at Police Station Barnala, District Barnala, on the allegations that on 12.07.2024, the petitioner was apprehended on suspicion by a Police party, and from his conscious possession 300 strips (total 4500 capsules) of intoxicating capsules containing Pregabalin and 1020 tablets of Alprazolam, were recovered and were taken into possession. The petitioner was formally arrested. Investigation now stands completed and is facing trial for commission of aforementioned offences.

**CRM-M-321-2025****-2-**

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. The alleged recovery is of non-commercial quantity of contraband. The trial is likely to take considerable time to conclude. His further detention would not serve any useful purpose. He has clean antecedents. With these broad submissions, it is argued that the petition deserves to be allowed.

3. Status report had been filed earlier as per which commercial quantity of contraband was recovered from the petitioner. However, today, the Deputy Superintendent of Police, Sub-Division Barnala has filed an amended status report submitting that due to some inadvertence, it was wrongly mentioned in the previous status report that the recovered contraband was of commercial quantity and that as per the FSL Report, the quantity of the recovered contraband is of non-commercial. It is argued by learned State Counsel that the petitioner had a pivotal role in chain of supplying intoxicants to drug peddlers and retailers. There are chances of his committing similar offences, if extended benefit of bail. It is therefore, argued that he does not deserve to be extended benefit of bail.

4. This Court has heard the rival submissions made by both the parties.

5. It is well settled law that while considering an application for grant of bail, the Court has to keep certain factors in mind such as whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence, circumstances which are

**CRM-M-321-2025****-3-**

peculiar to the accused, likelihood of the offence being repeated, the nature and gravity of the allegations, severity of the punishment in the event of conviction, the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of witnesses being threatened.

6. In the instant case, the petitioner is in custody since 12.07.2024. The recovered contraband has been found to be of non-commercial quantity. As such the rigors of Section 37 of NDPS Act have not been attracted in this case. It has been observed by Hon'ble Supreme Court in a catena of judgments that an accused cannot be kept in custody for an indefinite period of time. No prosecution witness has been examined so far. The trial is obviously likely to take time. The petitioner has clean antecedents. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail, subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court.

(MANISHA BATRA)
JUDGE

27.11.2025
Amit Sharma

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