

2025:PHHC:090609



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

CRM-M-3006-2025 (O&M)

Reserved on : 17.07.2025

Pronounced on : 24.07.2025

Pritam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Saksham Dudeja, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

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 FIR No. 175 dated 13.10.2023, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Khanna, District Khanna, Punjab.

2. Brief facts of the case relevant for the disposal of the present petition are that on 13.10.2023, the petitioner was apprehended by a police party and recovery of 1700 intoxicating tablets of Lomotil having salts of *Diphenoxylate Hydrochloride* and *Atropine Sulphate* was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an

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application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 18.10.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, he was in Adhdra Pradesh on 12.10.2023 and had booked a train ticket on 11.10.2023 to travel from Rajahmundry to New Delhi, vide Annexure P-3, which is copy of the said train ticket. Even otherwise, the prosecution has shown that recovery of 1700 tablets of Lomotil was effected from him. However, a perusal of order dated 05.04.2024, whereby charges have been framed by the learned trial Court against the petitioner, would show that only 700 intoxicating tablets are shown to have been recovered from him. The petitioner is an old aged man suffering from several age related health issues. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 13.10.2023. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations, the petitioner is not entitled to get benefit of bail. The quantity of the recovered tablets has wrongly been mentioned as 700 in the order framing charges and it was only a typographical error. His story regarding false implication is concocted one. It is further argued that since the recovery of the contraband effected from the petitioner falls under the commercial quantity, the rigors of Section 37 of

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the NDPS Act would be attracted against him. The trial may be expedited. 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 was apprehended by the police party at the spot and recovery of 1700 intoxicating tablets was effected from him. As per FSL report, the quantity of the contraband falls under commercial quantity. The aforesaid claim of the petitioner regarding recovery of only 700 tablets has been candidly controverted by the respondent-State on the ground that it was only a typing mistake. A perusal of the contents of the FIR also reveals that the factum of recovery of 1700 tablets from the petitioner finds mention there. The respondent-State is consistent with this claim even in its status report. Although the petitioner has taken a plea of *alibi* by placing on record a copy of a train ticket, however, merely showing a train ticket in his name does not prove that he was not at Khanna on 13.10.2023. It is a matter of evidence whether he boarded the said train on the scheduled date and reached Khanna on 13.10.2023 before 7:30 PM or not, which obviously cannot be decided at this stage. There are serious and specific allegations against the petitioner. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is

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dismissed.

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.

24.07.2025
Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No