



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

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CRM-M-3996-2025

Decided on : 29.01.2025

Navtej Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Amandeep Singh Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, who has been booked for having committed the offences punishable under Section 22 of NDPS Act, in FIR No. 381, dated 19.11.2023, registered at Police Station Tripuri (Wrongly mentioned as Sadar Tripuri in the impugned order dated 15.03.2024), Patiala, during the pendency of trial.

2. Learned counsel for the petitioner submits that alleged recovery from the petitioner is of 1040 intoxicant capsules and after examination of the said capsules by FSL, it was found that the said capsules contains salt/chemical Tramadol Hydrochloride weighing 506.56 grams, thus, the quantity recovered is commercial in nature because it is more than 250 gms.

3. Learned counsel for the petitioner submits that the petitioner is of the age of 45 years and except of present case, he is never found involved in any other similar activity. Counsel further submits that there are total 15 prosecution witnesses, but only two have been examined till date. Counsel also submits that petitioner is in custody since 19.11.2023 and the culmination of trial is not expected in near future, thus, prays for grant of



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regular bail.

4. On the other hand, learned State counsel while opposing the prayer of the petitioner submits that the petitioner is involved in one other case registered under Section 61 of the Excise Act.

Learned State counsel further submits that looking at the fact that the recovery is commercial in nature and as per the provisions of Section 37 of the NDPS Act, there being a bar on bail, present petitioner does not deserve any leniency and prays for dismissal of the present petition.

5. As far as Section 37 of NDPS Act is concerned, it requires to be considered with all the facts which are there in the case, this Court notices that petitioner is aged 45 years and resident of the State of Punjab and the drug Menace is on rise in the State for more than last two decades and his involvement at such stage of life, is required to be proved by the prosecution beyond any shadow of doubt. Undoubtedly, said issue would be decided after leading all the evidence by the prosecution agency.

However, considering the other facts also that the petitioner is in custody for more than last one year and the culmination of trial is likely to take a considerable time, and no other case is against the petitioner under the provisions of NDPS act, this Court allows the prayer made in the present petition. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/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.

6. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or



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indirectly.

7. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 29,2025
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No