



224

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5305-2025
Decided on : 12.11.2025

Lakhbir Singh @ Lucky

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gaurav Rana, Advocate, for the petitioner(s).

Mr. Bareen Pratap Singh, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Lakhbir Singh @ Lucky	87	06.05.2024	22/29 of NDPS Act, 1985	Mahilpur	Hoshiarpur

2. Learned counsel for the petitioner submits that there is recovery of 21 grams of Etizolam powder from the co-accused Ramandeep Singh @ Guggu, and 120 tablets [each of Etizolam tablet 0.5 mg (Etiron 0.5)]. Further submits that petitioner is a law-abiding citizen, aged about 25 years, who has never been involved in any other case of similar nature under the NDPS Act.

3. Learned counsel further submits that after completion of investigation, challan has already been presented, but the trial is progressing at a slow pace, inasmuch as out of 12 prosecution witnesses, 04 have been



examined, and 02 have been given up, thus, 06 witnesses are yet to be examined. Petitioner has already undergone custody for about 01 year, 06 months, since the date of registration of FIR. Besides, it is also emphasized that the petitioner has no past criminal record under the NDPS Act.

Further submits that co-accused of the petitioner, i.e., Ramandeep Singh @ Gaggi, has already been granted concession of regular bail by this Court vide order dated 27.08.2025, passed in **CRM-M-46199-2025**, titled as, “*Ramandeep Singh @ Gaggi v. State of Punjab*” (Annexure P-3).

4. Per contra, learned State counsel, while opposing the prayer for bail, submits that both the petitioner and co-accused Ramandeep Singh @ Gaggi were apprehended together at the spot, and separate recoveries were effected from each of them, i.e., 21 grams of Etizolam powder from co-accused Ramandeep Singh @ Gaggi, falling within the *intermediate quantity*, and 120 intoxicant tablets of Etizolam (0.5 mg each) from the petitioner, falling within the *commercial quantity*.

It is further submitted that, keeping in view the nature and gravity of the allegations and the rigours of Section 37 of the NDPS Act, the petitioner does not deserve any concession of regular bail. However, learned State counsel fairly does not dispute the factual assertions regarding the petitioner’s period of custody, presentation of challan, and the present stage of trial.

5. I have heard learned counsel for the parties and perused the relevant material available on record.

6. Taking note of the circumstances and facts noticed above, it is



evident that the petitioner was apprehended on the spot along with co-accused Ramandeep Singh @ Gaggu, from whose possession recovery of 21 grams of Etizolam powder, falling within the category of *intermediate quantity*, was effected, whereas from the petitioner, recovery of 120 intoxicant tablets of Etizolam (0.5 mg each), which falls within the category of *commercial quantity*, was made. The co-accused has already been granted the concession of regular bail by this Court. The petitioner has remained in custody for more than one year and six months, the challan stands presented, and the trial is progressing at a slow pace, as only four out of twelve prosecution witnesses have been examined so far. Though the recovery attributed to the petitioner falls within the *commercial quantity*, the entire incident arises out of a single transaction, and the prosecution will still be required to establish during trial the element of conscious possession and the petitioner's specific role in the alleged recovery. Having regard to the period of incarceration already undergone, the stage of the trial, and the parity with the co-accused, this Court finds that continued detention of the petitioner would serve no useful purpose. While keeping in view the rigours of Section 37 of the NDPS Act, this Court is satisfied that the twin conditions under Section 37(1)(b) stand satisfied to a limited extent for the purpose of considering bail.

Consequently, the present petition is **allowed**. The petitioner – Lakhbir Singh @ Lucky – is ordered to be released on regular bail, 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.



7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.
9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.
10. Petition stands **disposed of**.
- Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

November 12, 2025
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No