



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

CRM-M No.6356 of 2025
Date of decision: 5th March, 2025

Shambhu Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sameer S. Tiwari, Advocate for the petitioner.

Mr. Baljinder Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of regular bail under Section 483 BNSS in case FIR No.0107 dated 06.06.2023 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Samana, District Patiala.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 06.06.2023 in a case of false implication. It is contended that the petitioner was allegedly apprehended on suspicion, and thereafter, a recovery of 4 quintals of poppy husk was purportedly effected from him.

3. It has been further submitted by the learned counsel that the petitioner was merely an employee working as a Cleaner in the Canter

from which the alleged contraband was recovered. It is argued that the co-accused, the driver of the vehicle, who had the knowledge of the contraband, fled from the spot upon seeing the police, while the petitioner, who is completely innocent, was falsely implicated. It has still further been submitted that despite the long incarceration of the petitioner, the trial has not concluded yet, as prosecution evidence is still underway. It has, therefore, been urged that the petitioner be granted the concession of bail, as there is no likelihood of the trial concluding in the near future.

4. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been contended that a substantial recovery of 4 quintals of poppy husk was made from the Canter in which the petitioner was present and apprehended from the spot. It has still further been submitted that the trial is progressing at a reasonably swift pace, with only 6 prosecution witnesses remaining to be examined, who, as per the learned State counsel, are mostly formal in nature. Additionally, it has been argued that the quantity of contraband recovered in the present case far exceeds the threshold for commercial quantity under the NDPS Act, making it highly improbable that such a huge recovery could have been falsely planted. It is further asserted that the recovery was effected after due compliance with all the mandatory provisions of the NDPS Act.

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

6. This Court finds no ground to grant the concession of bail to the petitioner. The petitioner was allegedly apprehended at the spot from the vehicle in which the contraband was recovered. The recovery of 400 kgs of poppy husk is undeniably huge and falls well beyond the minimum threshold for commercial quantity under the NDPS Act. Furthermore, the trial is progressing at a reasonable pace, and the remaining prosecution witnesses are stated to be formal in nature. In view of the foregoing discussion, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 5, 2025
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No