



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

CRM-M No.9488 of 2025 (O&M)

Reserved on :12.08.2025

Pronounced on: 19.08.2025

Mangat Ram

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Ms. Riffi Birla, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. This petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. By virtue of this petition, regular bail in a case arising out of FIR No.185 dated 03.09.2024, Police Station City-I Abohar, District Fazilka, has been sought.
2. The petitioner, who is being prosecuted for the commission of offence punishable under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act'), is seeking the benefit of bail, as vide order dated 16.01.2025 his application for bail has been dismissed by the Court of learned Judge, Special Court, Fazilka.
3. It is the case of the prosecution that on 03.09.2024 when a police party headed by ASI Bhupinder Singh was on patrolling duty near Mewa Gas Agency, he spotted two persons, one of whom was carrying a polythene bag. It has been alleged that when the abovesaid two persons noticed that police party was approaching them they threw polythene bag and tried to run away but he



was successfully intercepted, and thereafter apprehended. According to the prosecution when the contents of the polythene bag, being carried by them, were checked it was found that they were carrying 3900 tablets of Tramadol Hydrochloride, in the abovesaid bag. In the backdrop of abovesaid recovery, they have been prosecuted for the aforesaid offence.

4. Heard.

5. Learned counsel for the petitioner has argued that with regard to commission of offence punishable under Section NDPS Act the petitioner has clean antecedents and that contents of the FIR itself shows that the petitioner was not in conscious possession of the contraband. According to learned counsel for the petitioner the story set up by the police itself shows that the bag containing contraband was in possession of co-accused Angrej Singh, and, therefore, no criminality can be attached to the petitioner who was simply accompanying the alleged carrier of contraband.

6. In addition to above, it has also been argued by learned counsel for the petitioner that the petitioner has already suffered sufficient incarceration for being in custody for a period of more than 11 months, and that investigation in this case is already complete and nothing is left to be recovered from the possession of the petitioner and the trial is not likely to be concluded in the near future. On the abovementioned grounds the learned counsel for the petitioner has argued that the petitioner is entitled for the benefit of bail.

7. Per contra, learned State counsel has argued that instant case is a case wherein recovered contraband falls within the ambit of commercial quantity and that action of the petitioner, who alongwith carrier of contraband,



attempted to run away is itself shows that he was having knowledge that his companion was carrying contraband. As per learned State counsel in view of abovementioned factors and the gravity of offence, the petitioner is not entitled for the benefit of bail.

8. Having heard learned counsel for the parties and perused the record, it is apparent that allegations against the petitioner are that he was accompanying a person who was carrying contraband and the quantity of recovered contraband was commercial quantity. Since there are very specific, categorical and direct allegations that along with his co-accused the petitioner had attempted to flee from the spot, this plea fails to convince a prudent mind that he was not having any knowledge about the contents of polythene bag being carried by his co-accused. Admittedly, the recovery of contraband comes within the purview of commercial quantity and, therefore, unless the rigors of Section 37(1)(b) stands satisfied, in the instant case, the petitioner is not entitled for the benefit of bail.

9. Taking into consideration the gravity of offence which is reflected from the commercial quantity of contraband and the above mentioned facts and circumstances, but without commenting anything on the merits of the case, the instant petition is held to be devoid of merit. The same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:19.08.2025

Manoj Bhutani

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