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

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CRM-M-12422-2025 (O&M)
Date of decision: 16.05.2025

Bablu**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Angrez Singh Dhindsa, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

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 case bearing FIR No. 97 dated 28.10.2023, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ghagga, District Patiala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 28.10.2023, the petitioner along with co-accused Parvinder Singh and Najar Singh, while coming on a motorcycle bearing registration number CH-01-AS-4468, was apprehended by the police party and recovery of 1520 loose intoxicating tablets (*Tramadol Hydrochloride*) was effected from a polythene bag, which the petitioner had thrown on the ground on seeing the police party. Since they could not produce any permit or license to keep in their possession the recovered tablets, all of them were

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formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, a false recovery has been planted upon him and co-accused. Mandatory provisions of Section 50 of the NDPS Act were also not complied with. No independent witness was joined at the time of effecting alleged recovery. The petitioner is not involved in any other case. Investigation has since been completed and *challan* has been filed. The petitioner is in judicial custody since 28.10.2023. The trial is likely to take time. 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 granted benefit of 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 the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from him. FSL report has been received, as per which, the salt of the recovered tablets was 'Tramadol Hydrochloride'. His story regarding false implication and plantation of the recovered contraband is concocted one. It is further argued that since the quantity of the contraband recovered from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against him. It is also argued that if the petitioner is released on

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bail, he can abscond or indulge in similar offences. 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. As per the allegations, the petitioner was apprehended by the police party on 28.10.2023 along with above named two co-accused and recovery of 1520 tablets of Tramadol Hydrochloride was effected from them. As per FSL report, the total weight of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may indulge in drug smuggling again cannot be stated to be unfounded keeping in view his criminal antecedents. 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. The arguments raised by learned counsel for the petitioner with regard to lacunas in investigation cannot be looked into at this stage as the same is to be decided by the learned trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is 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.

16.05.2025
Wasim Anwar

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No