

2025:PHHC:061800



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

CRM-M-17904-2025 (O&M)

Reserved on : 08.05.2025

Pronounced on : 13.05.2025

Sukhmander Singh @ Mander

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case arising out of FIR No. 180 dated 19.12.2023, registered under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kotbhai, District Sri Muktsar Sahib. The first petition, bearing number ***CRM-M-22000-2024***, was dismissed as withdrawn on 20.12.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 19.12.2023, the petitioner was apprehended by a police party headed by SI Iqbal Singh and recovery of 500 intoxicating tablets having salt of *Alprazolam* was effected from him. Since the petitioner could not produce any permit or license to keep in his possession the recovered tablets, he was formally arrested at the spot. After completion of necessary investigation, challan under Section 173 of Cr.P.C. was presented before the

2025:PHHC:061800



Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 27.03.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The alleged recovery was in fact planted upon him. As per FSL report, average weight of one tablet was found to be 60 mg. Hence, the total weight of the recovered tablets would come to only 30 grams, which is much below the threshold of commercial quantity for this particular substance i.e. 100 grams. Although the petitioner has been falsely implicated in some other cases but he is on bail in those cases. Investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in judicial custody since 19.12.2023. 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 released on 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 he was nabbed at the spot along with 500 intoxicating tablets. He is involved in several other cases of similar nature. Trial is going on at a proper pace. 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

2025:PHHC:061800



police party on 19.12.2023 and recovery of 500 tablets of *Alprazolam* effected from him. FSL report has been received, as per which, the total weigh of the recovered tablets comes to 30 grams, which does not fall within the ambit of commercial quantity. Investigation has since been completed and *challan* has been filed. In the status report itself, it is mentioned that the trial is at initial stage. Hence, it can safely be concluded that conclusion of the same would take a long time. The petitioner is in custody since 19.12.2023. Although, he is shown to be involved in some other cases but he is stated to be on bail in those cases. Even otherwise, the same alone cannot be a ground to deny him the benefit of bail in the peculiar facts and circumstances of the case. In view thereof, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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.

13.05.2025

*Waseem Ansari***(MANISHA BATRA)**
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*