

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18433-2025
Date of decision:-14.05.2025

RAMESH KUMAR ALIAS GOGI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Amarjot Kaur, Advocate for the petitioner.

Mr. Durgesh Garg, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 13.05.2025 of Assistant Commissioner of Police (Cantt), Police Commissionerate Jalandhar, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant third petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
124	22.07.2023	21 of NDPS Act (22 and 29 added later on)	Sadar Commissionerate, District Jalandhar

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that petitioner was not named in the FIR but has been nominated on the disclosure statement of co-accused Hardeep Singh @



Happy. He contends that petitioner was arrested on 30.09.2023 and as per prosecution's case alleged recovery of 265 loose tablets were recovered from a vacant plot. He contends that petitioner has no concern with the alleged recovery as the same has been effected from a vacant plot of some other person. He contends that after completion of investigation challan has already been presented in Court, and conclusion of trial will take sufficient long time. Hence, prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that co-accused Maginder Kumar alias Manga was apprehended with 4 grams of heroin and he suffered disclosure statement that he procured the intoxicant from Hardeep Singh @ Happy and during investigation Hardeep Singh @ Happy disclosed in his statement that Ramesh Kumar alias Gogi had supplied the alleged narcotics. Consequently, petitioner was arrested on 30.09.2023 and on his disclosure 265 intoxicant tablets were recovered from a plot and offence under Section 22 NDPS Act was added vide DDR No. 43 dated 30.09.2023. He contends that samples were sent for FSL report and as per FSL report 27.295 grams of salt 'Etizolam' was found. He submits that the recovered contraband falls within the purview of commercial quantity, attracting bar under Section 37 of the NDPS Act. He further submits that petitioner is habitual offender and is involved in 5 other criminal cases as such, he is not entitled to the concession of regular bail.

5. After considering the rival contentions and perusing the record, it transpires that co-accused Maginder Kumar alias Manga was apprehended with 4 grams of heroin and he suffered disclosure statement that he



procured the intoxicant from Hardeep Singh @ Happy and during investigation Hardeep Singh @ Happy disclosed in his statement that Ramesh Kumar alias Gogi had supplied the alleged narcotics. Consequently, petitioner was arrested on 30.09.2023 and on his disclosure 265 intoxicant tablets were recovered from a plot and offence under Section 22 NDPS Act was added vide DDR No. 43 dated 30.09.2023. He contends that samples were sent for FSL report and as per FSL report 27.295 grams of salt 'Etizolam' was found which falls within the purview of commercial quantity. Admittedly, the recovered contraband falls within the purview of commercial quantity attracting bar under Section 37 of the NDPS Act and as per the reply submitted by the State, petitioner is also involved in 5 more criminal cases.

6. Therefore, considering the nature and gravity of the offence, as well as the fact that the recovered contraband in the present case is 27.295 grams of salt 'Etizolam' which falls within the purview of 'commercial quantity', attracting bar under Section 37 of the NDPS Act, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the bail petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

14.05.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No