

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

2025:PHHC:112443



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**CRM-M-21920-2025 (O&M)
Date of Decision: 25.08.2025.**

Gurwinider Singh @ Ginda

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Loveleen Nanda, Advocate for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No.399 dated 11.09.2022 under Sections 22, 29, 61 and 85 of NDPS Act, registered at Police Station Zirakpur, District SAS Nagar, Mohali.

Shorn of unnecessary details, the case of the prosecution in brief is that the present FIR was registered on 11.09.2022, on the statement of complainant SI Mandeep Singh of Police Station Zirakpur, who got information through ASI Ashwani Kumar (who was on routine patrolling along with his police party) that they had apprehended two persons, namely, Mandeep Singh and Gurwinder Singh @ Ginda (present petitioner) and police party doubted that they were having intoxicant tablets in their possession. Further the complainant was requested to come to the spot. Accordingly, complainant SI Mandeep Singh reached at the spot and he was

informed that the aforesaid two persons had thrown a bag pack on the road. The said bag was opened, out of which some strips of Lomotil (Diphenoxylate Hydrochloride and Atropine Sulphate Tablets IP) and some strips of Alprasaft-0.5 (Alprazolam tablets IP 0.5 mg) were recovered. On the counting 500 strips of Lomotil (Diphenoxylate Hydrochloride and Atropine Sulphate Tablets IP), having 60 tablets in each strip, (total 30,000 tablets) and 37 strips of Alprasaft-0.5 (Alprazolam tablets IP 0.5 mg) having 60 tablets in each strip, (total 2220 tablets) were recovered. Accordingly, the FIR in question was registered against both the accused after completing all the formalities.

Learned counsel for petitioner has contended that the petitioner has been falsely implicated in the present case. The alleged recovery in the present case had already been effected and the petitioner is in custody since 11.09.2022. The conclusion of trial of the case will take considerable time. No useful purpose would be served by detaining the petitioner in further custody. Learned counsel, therefore, prays that the petitioner be granted concession of regular bail.

On the other hand, learned State counsel opposed the present petition and submitted that the petitioner was found in possession of commercial quantity of intoxicant tablets and as such, does not deserve any leniency from the Court.

I have heard the learned counsel for the parties and have also gone through the case file.

As per the allegations, 30,000 tablets of Lomotil (Diphenoxylate Hydrochloride and Atropine Sulphate Tablets IP) (500 strips of tablets, each strip containing 60 tablets) and 2220 tablets of

Alprasafe (Alprazolam tablets) were recovered from the thrown bag pack which falls within heavy 'commercial quantity'. In order dated 16.11.2023 of co accused Mandeep Singh in CRM-M-53561-2023, it has been observed by Co-ordinate Bench of this Court that the recovery had been effected from a bag which was on the shoulder of the present petitioner. It has been further held that at this stage, it could not be said that whether there was meeting of mind between the accused, so the bar contained under Section 37 of the NDPS Act was not applied to co-accused Mandeep Singh and he was granted concession of bail. Thus, the alleged recovery of contraband effected from the petitioner falls within the 'commercial quantity' which attracts the rigors of Section 37 of the NDPS Act. As per the antecedents mentioned in the status report, the petitioner has already been convicted in one case under NDPS Act and is under trial in an other case under NDPS Act

Accordingly, without having any bearing or expression of opinion on the merits of the case, the present petition is dismissed.

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

(SUKHVINDER KAUR)
JUDGE

25.08.2025.

Komal

Whether speaking/reasoned?	:	Yes/ No
Whether reportable?	:	Yes/ No