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

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CRM-M-21807-2025 (O&M)
Date of decision: 29.07.2025

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

Present:- Mr. Sukhwinder Singh Kamboj, Advocate
for the petitioner.

Mr. Roshandeep Singh, 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 FIR No. 304 dated 29.11.2022, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Tanda, District Hoshiarpur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 29.11.2022, on the basis of secret information, the petitioner and co-accused Vicky and Raj were apprehended by a police party and recovery of 272 grams of intoxicating substance was effected from the petitioner, whereas 282 grams and 256 grams of intoxicating substances were recovered from above named co-accused, respectively. Since they could not produce any valid license or permit to keep in their possession the recovered substance, they were formally arrested at the spot. As per FSL report, the recovered substances were found to be containing Tramadol Hydrochloride, which is a psychotropic substance. After completion of

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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. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 24.05.2024.

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. Mandatory provisions of the NDPS Act were not complied with. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 29.11.2022. 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. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. The story of the petitioner regarding his false implication and plantation of the recovered contraband is concocted one. It is further argued that since the recovery of the contraband effected from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against him. If released on bail, the petitioner may 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.

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6. As per the allegations, the petitioner along with above named two co-accused was apprehended by the police party and the recovery of total 810 grams of Tramadol Hydrochloride was effected from them, out of which, 272 grams of the said drug was recovered individually from the petitioner. The said quantity alone falls under commercial one. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. A perusal of the status report reveals that there are total eight prosecution witnesses and four witnesses have since been examined. Hence, the trial is going on properly and there is nothing on record to show that there would any undue delay in conclusion of the same. The petitioner is shown to be involved in one more case, though not of similar nature. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences can also not be stated to be unfounded keeping in view his antecedents. 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 she does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is 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.

29.07.2025*Naseem Ansari**Whether speaking/reasoned
Whether reportable***(MANISHA BATRA)****JUDGE***Yes/No
Yes/No*