



CRM-M-21677-2025

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

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**CRM-M-21677-2025
Decided on :24.07.2025**

Mani Sharma

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. I.S. Kooner, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.42 dated 09.05.2024, under Section 20 of NDPS Act, registered at Police Station Sadar Rajpura, District Patiala.

2. At the very outset, learned counsel for the petitioner submits that in the impugned order dated 04.10.2024 (Annexure P-2), the recovered contraband has been incorrectly recorded as 1 kg 110 gms of opium, whereas the case pertains to the recovery of 1 kg 100 gms of charas from the possession of the petitioner.

3. Learned counsel for the petitioner submits that petitioner has is in custody since 09.05.2024. Out of a total of 11 prosecution witnesses,



only 01 has been examined so far. Learned counsel contends that the quantity allegedly recovered is just 100 grams above the maximum limit of non-commercial quantity, and that whether the method of weighing the contraband is in compliance to the prescribed procedure or not, is yet to be adjudicated during trial. Counsel further argues that petitioner is 41 years of age, having no prior criminal record, therefore, prays for the grant of regular bail.

4. On the other hand, learned State counsel has filed custody certificate of the petitioner and reply by way of affidavit of Manjeet Singh, PPS, Deputy Superintendent of Police, Sub Division Rajpura, District Patiala, in Court today. Same are taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

While acknowledging that petitioner is in custody for the period of one year, two months, and twelve days, learned State Counsel confirms that the petitioner is not registered as an accused in any other criminal case. However, it is submitted that the quantity of contraband recovered, exceeds the maximum limit for non-commercial quantity by 100 grams, which technically places the case within the category of commercial quantity, under the NDPS Act. Learned State Counsel also endorses the argument that the method of weighing the contraband is yet to be finalized by the learned trial Court, and the final determination regarding the quantity and its implications will depend on the evidence led during trial. However, learned State counsel prays for dismissal of the present petition.



5. Having heard learned counsel for the respective parties and on perusing the record available before this Court, prima facie, it appears that the method of weighing the contraband would definitely be examined and confirmed by the learned trial Court, and considering that the difference is only 100 grams, the possibility cannot be ruled out that the Court may take a view favourable to the accused at an appropriate stage. Moreover, it can reasonably be assumed that the recovered contraband falls under the intermediate quantity.

Taking note of the facts and circumstances of the case that petitioner, aged **41 years**, has never been found involved in any similar activity in the past, coupled with the slow pace of the trial, liberty of the petitioner cannot be curtailed for an indefinite period. Therefore, this Court finds merit in the prayer of the petitioner.

6. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.



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8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

24.07.2025
Rashmi

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No