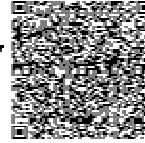


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

229

CRM-M-22758-2025 (O&M)
Date of decision: 25.07.2025

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

Present:- Mr. Randeep Singh Waraich (Rana), Advocate
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to him in FIR No. 174 dated 26.11.2023, registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City-1 Malerkotla, District Malerkotla. The first petition, bearing number **CRM-M-32198-2024**, was dismissed as withdrawn on 19.10.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 26.11.2023, on the basis of secret information, the petitioner and co-accused Anwar Khan and Sanam Khan were apprehended by a police party and recovery of 2.560 kgs. of opium and drug money of Rs. 16000/- was effected from a bag which they were having at that time. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-

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accused is facing trial for commission of aforementioned offence.

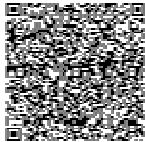
3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The recovered contraband was marginally above the commercial quantity. The petitioner is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 26.11.2023. 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 keeping in view the gravity of the allegations, the petitioner is not entitled to get benefit of bail. The trial is going on at a proper pace. It is also argued that if the petitioner is released on bail, he can 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.

6. The petitioner along with co-accused was apprehended on 26.11.2023 and recovery of 2.560 kgs. of opium and drug money of Rs.16,000/- was effected from them. The quantity of the recovered contraband obviously falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The trial is going on at a proper pace and there is nothing on record that there would be any undue delay in conclusion of the same. The

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apprehension expressed by learned State counsel that if the petitioner is released on bail, he can abscond or indulge in similar offences, can also not be stated to be unfounded at this stage. Keeping in view the aforesaid facts and circumstances, the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from him, 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 he 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.

25.07.2025
Waseem Anvari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No