



CRM-M-26417-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on:18.08.2025

Manoj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), seeking regular bail in FIR No. 181 dated 22.09.2024, registered under Sections 21-C, 61, and 85 of the NDPS Act at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. As per the case of prosecution, petitioner was allegedly holding a black-coloured polythene bag, which he threw upon seeing the police party. Upon searching the polythene bag, 60 strips of Alprazolam tablets were recovered. Each strip contained 15 tablets, amounting to a total of 900 tablets (60 x 15 = 900 tablets), with the salt content weighing approximately 122.4 grams.

3. Learned counsel for the petitioner submits that the maximum of non-commercial quantity of Alprazolam salt is 100 grams, and the recovered quantity exceeds this limit by only 22.4 grams. It is further submitted that the petitioner is in custody for the period of last 10

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months and 24 days, and out of a total of 10 prosecution witnesses, only four have been examined so far.

4. Counsel also argues that the question whether the petitioner was in conscious possession of the recovered tablets is a matter to be decided by the learned trial Court, particularly as no independent witness was joined at the time of recovery. It is also submitted that the petitioner has clean antecedents, with no other criminal case registered against him.

3. Learned State counsel has filed a status report by way of affidavit of by Gurdeep Singh, PPS, Deputy Superintendent of Police, Sub-Division Amloh, District Fatehgarh Sahib, in Court today. Same is taken on record. Registry is directed to tag the same at appropriate place in the paper-book.

Learned State counsel contends that the recovered quantity, although marginally above the non-commercial limit, is sufficient to attract the rigors of the NDPS Act. It is also submitted that the seriousness of the offense cannot be undermined merely on the ground of a slight excess in quantity. The investigation has been completed, and the charges have been framed, indicating the sufficiency of evidence against the petitioner. Therefore, prays for dismissal of the present petition.

5. Considering the submissions made by learned counsel on both sides and the material on record, this Court noticed that the recovered quantity exceeds the prescribed non-commercial limit by only 22.4 grams. Petitioner is in custody for nearly eleven months, and the trial has not progressed substantially, as only four prosecution witnesses

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examined out of total ten. However, the question of conscious possession and involvement in the offense shall be adjudicated by the learned trial Court on merits.

In the light of these factors, this Court finds merit in the prayer of the petitioner. Consequently, the prayer made in the present petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

6. 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.

7. 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.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 18, 2025
rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**