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

224

CRM-M-34766-2025 (O&M)
Date of decision: 11.11.2025

Sintu Kumar @ Kala ...Petitioner

Versus
State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Davneet Sangwan, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 225 dated 21.08.2024, registered under Sections 22(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadhaura, District Yamuna Nagar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 21.08.2024, on the basis of a secret information, the petitioner, while coming in a car make Scorpio bearing registration number HR-55-G-3831, was apprehended by a police party and recovery of 720 capsules of Tramadol HCL weighing 441 grams and 90 tablets of Alprazolam weighing 14.58 grams was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. On the basis of the disclosure made by the petitioner, some other persons were also nominated as accused in this case. After completion of

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necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 05.03.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 21.08.2024. He has clean antecedents. Even otherwise, investigation has since been completed and *challan* has been presented. The trial is likely to take a long time as no prosecution witness has been examined so far. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Commercial quantity of the contraband has been recovered in this case. Rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The trial may be expedited. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the allegations, the petitioner was apprehended by the police party on 21.08.2024 and recovery of 720 capsules of Tramadol HCL and 90 tablets of Alprazolam was effected from him. Although the quantity of the tablets having Alprazolam does not fall under commercial quantity but the quantity of the capsules having Tramadol HCL obviously falls under

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commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. Merely on the ground of delay in trial, the petitioner cannot be held entitled to the concession of bail, as the period of custody undergone by him cannot be said to be so prolonged as to justify grant of bail on this ground alone. The call details record obtained by the investigation agency show that the petitioner had exchanged multiple calls with the co-accused, which prima facie establishes his complicity in the crim. Keeping in view the gravity of the allegations, the quantity of the recovered contraband, 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 the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

11.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No