

2025:PHHC:082593



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

314

CRM-M-37905-2024 (O&M)
Date of decision: 10.07.2025

Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Samanpreet Kaur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 0197 dated 10.06.2023, registered under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Islamabad, District Police Commissionerate Amritsar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 10.06.2023, on the basis of a secret information, the petitioner was apprehended by a police party and recovery of 10,800 intoxicating tablets of Alprazolam was effected from him. Since he could not produce any permit or licence to keep in his possession the recovered drug, he was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated

2025:PHHC:082593



05.09.2023.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Proper procedure as laid down in law was not followed by the police. Even no independent witness was joined at the time of effecting alleged recovery from the petitioner. The story put forth by the police party is concocted one. The petitioner is not involved in any other case. 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 10.06.2023. 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. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was apprehended at the spot and a huge recovery of intoxicating tablets was effected from him. Since the quantity of the recovered contraband falls within the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against him. Trial may be expedited. It is also argued that if the petitioner is released on bail, he may abscond or tamper with the prosecution evidence. It is, thus, argued 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 was apprehended by the police party on 10.06.2023 and recovery of 10,800 intoxicating tablets of Alprazolam was effected from him. The quantity of the recovered contraband obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would

2025:PHHC:082593



certainly be attracted against him. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 439 of Cr.P.C. The 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. The petitioner has stated in the petition that he is not involved in any other case but a perusal of the status report reveals that he is involved in three more cases under the NDPS Act. Keeping in view the aforesaid facts and circumstances, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am 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.

10.07.2025

Waseem Zaidi

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No