

2025:PHHC:037880



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

1. CRM-M-38939-2024 (O&M)

Gurjinder Singh @ Guri ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-39007-2024 (O&M)

Surjit Kaur @ Seeto ...Petitioner

Versus

State of Punjab ...Respondent

Reserved on : 11.03.2025  
Pronounced on : 20.03.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Bhupinder K. Bhangu, Advocate  
for the petitioners.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J.

1. This common order shall dispose of above mentioned two petitions as they arise out of the same FIR and seek similar relief.
2. Prayer in these petitions, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), is for grant of regular bail to the petitioners in FIR No. 0054 dated 20.03.2024, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') at Police Station Sultanpur Lodhi, District Kapurthala.
3. Brief facts of the case relevant for the disposal of the present petition are that on 20.03.2024, the petitioners were apprehended by a police

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party headed by ASI Harish Kumar and recovery of 1200 intoxicant tablets of Tramadol Hydrochloride was recovered from them. Since they could not produce any licence or permit to keep in their possession the recovered tablets, they were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court on 16.09.2024 and presently, the petitioners are facing trial for commission of aforesaid mentioned offence. They had moved applications before the learned trial Court for grant of regular bail but the same had been dismissed, vide orders dated 20.05.2024.

4. Learned counsel for the petitioners has argued that the petitioners has been falsely implicated in this case. Mandatory provisions of Sections 42 and 50 of the NDPS Act were not complied with properly. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioners, was planted upon them. The story put forth by the police party is concocted one. Even otherwise, investigation has since been completed and *challan* has been presented. The trial is likely to take time. The petitioners are in custody since 20.03.2024. No useful purpose would be served by keeping thme in custody anymore. It is, therefore, urged that the petitions deserve to be allowed.

5. Separate status reports have been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioners were apprehended by the police party at the spot on 20.03.2024 and recovery of 1200 intoxicant tablets of Tramadol Hydrochloride, which falls under the commercial quantity, was effected from them. During the course of recovery and further investigation, proper procedure as prescribed under the NDPS Act was followed. It is submitted that since a commercial

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quantity of the contraband has been recovered from the petitioners, the rigors of Section 37 of the NDPS Act would be attracted against them. Trial is going at a proper pace. It is also argued that if the petitioners are released on bail, they may abscond or indulge in the similar offences. It is, thus, argued that the petitions are liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

7. As per the allegations, the petitioners was apprehended by the police party on 20.03.2024 and recovery of 1200 intoxicant tablets of Tramadol Hydrochloride was effected from them. The quantity of the recovered contraband obviously falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against them as there is nothing on record to believe that the petitioners did not commit the subject crime or if they are released on bail, they would not indulge in similar offences. As regards the arguments advanced by learned counsel for the petitioners 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 bail petitions filed under Section 483 of BNSS. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioners, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the

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case, I am of the considered opinion that the petitioners do not deserve to be granted benefit of regular bail, at this stage. Hence, the petitions are dismissed.

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

9. Let a photocopy of this order be placed on the file of the connected case.

20.03.2025

*Museem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*