

2025:PHHC:091426



**249 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-37694-2025
Date of Decision: 23.07.2025**

Makhan Ram ... Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Pushpinder Kaur, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 2nd petition praying for granting regular bail in case FIR No.16 dated 02.04.2025 under Sections 22 and 27(a) of the NDPS Act, 1985 registered at Police Station Payal, District Khanna (Annexure P-1).

2. Succinctly the facts of the case are that on 02.04.2025, the police party while on patrolling saw two persons talking to each other in the vicinity of Beabaad Colony and on seeing the police, they got perplexed and one of them had thrown a polythene on the road. On suspicion they were apprehended and on asking, they disclosed their names as Makhan Ram (petitioner) and Manveer Singh alias Mani. They were suspected to be carrying contraband in the polythene, which was thrown by them. The same was searched and on conducting the search, 60 intoxicant tablets ZAPIZ-0.25 Clonazepam from the polythene bag were recovered and Rs.3000 drug money was also recovered from Manveer Singh alias Mani. They failed to produce any licence regarding

possession of the same. Hence, they were arrested on the spot and on registration of the FIR, the investigation commenced and challan was presented. On framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 03.07.2025. Thereafter, he approached this Court by way of filing petition CRM-M-27552-2025, which was dismissed as not pressed on 23.05.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present 2nd petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. She submits that recovery effected is totally in violation of the provisions of the NDPS Act even otherwise the recovery effected is of small quantity so the offence is bailable, the petitioner deserves to be granted bail. She further submits that petitioner is involved in two other cases, however, he is on bail in those cases.

4. Per contra, learned State counsel has fairly submitted that recovery of 60 intoxicant tablets ZAPIZ-0.25 Clonazepam has been effected from the petitioner and as per FSL report, weight of the recovered contraband is 04.80 grams, which is less than 05 grams and being small quantity, the offence is bailable in the present case.

5. After hearing counsel for the parties and perusing the record, this Court finds no reason to keep the petitioner behind bars as the alleged recovery effected from the petitioner admittedly is of small quantity and offence is bailable. The custody certificate would reflect that the petitioner has suffered incarceration of 03 months and 18 days as on 22.07.2025. It further reflects that the petitioner is involved in one another case, although he is on bail in that

case.

6. The veracity of the allegations and counter allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.07.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No