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

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CRM-M-42484-2024 (O&M)
Date of decision: 15.07.2025

Bhim Kumar Thukral**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. S. K. Passi, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 86 dated 11.06.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Special Task Force, STF Wing, Ferozepur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 11.06.2024, on the basis of a secret information, the petitioner was apprehended by a police party headed by ASI Satpal and recovery of 1430 intoxicating tablets of Clovidol 100 SR having salt of Tramadol Hydrochloride was effected from him. Thereafter, at the instance of the petitioner, further recovery of 9,30,000/- tablets of Pregabalin was effected from his godown. Since the petitioner could not produce any valid licence or permit to keep in his possession the recovered contraband, he was

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formally arrested. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 16.08.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, he is running a transport company. The aforementioned recovery was planted upon the petitioner. Moreover, Pregabalin does not fall under the purview of NDPS Act. There are several discrepancies in the investigation, which is apparent from the objections raised by the forensic science laboratory with regard to samples having no batch number. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 11.06.2024. He is not involved in any other case. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report as well as reply 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 a commercial quantity of the contraband was recovered from him. He was nabbed at the spot. His story regarding false implication and plantation of the recovered contraband is concocted one. He was running the illegal business of smuggling of intoxicating drugs under the disguise of a transport company. It is further argued that since the recovery of the contraband

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effected from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against him. The trial is going on at a proper pace. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged 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 at the spot and recovery of commercial quantity of the tablets having salt of Tramadol Hydrochloride was effected from him. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. At his instance, recovery of a huge quantity i.e. 9,30,000/- tablets of Pregabalin was also effected from his godown, which was meant for his transport business. Although the same does not fall within the meaning of psychotropic substance but it raises a suspicion about the conduct of the petitioner as there is no explanation whatsoever as to why he had kept such a huge quantity of that drug in his godown. The allegations against him are quite serious. Trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences can also not be stated to be unfounded. The arguments raised by learned counsel for the petitioner with regard to lacunas in the investigation cannot be looked into at this stage as the same is to be decided by the learned trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as

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levelled against the petitioner, the quantity of alleged contraband recovered from him, 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 he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

15.07.2025

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No