



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

**CRM-M-41742-2025**  
**Date of decision: 08.09.2025**

JASBIR SINGH ALIAS JASSI ALIAS JASBEER

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present:        Mr. Rahul Chauhan, Advocate  
                     for the petitioner.

Mr. Ramesh Kumar Ambavta, DAG, Haryana.

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**YASHVIR SINGH RATHOR, J. (Oral)**

1.                Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular to the petitioner in case FIR No.900 dated 15.09.2024, under Section 22(c) of the NDPS Act (Section 29 of NDPS Act added later on) registered at Police Station City Yamunanagar, District Yamunanagar, Haryana.

2.                Brief facts of the prosecution case are that the petitioner was apprehended by SI Satish Kumar on 15.09.2024 and 480 capsules of Dicyclomine Hydrochloride, Tramadol Hydrochloride and Acetaminophen Marka Spasmaxx-B, weighing 262.2 grams were recovered from the petitioner. After completion of investigation, challan was presented and accused is facing trial.



3. Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.

4. Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case. The contraband recovered is marginally above the non-commercial/intermediate quantity, as the recovered narcotic substance up to 250 grams falls within the non-commercial quantity. Learned counsel for the petitioner next argued that petitioner is in custody since 15.09.2024. After completion of investigation, challan has been presented and charge has been framed but only two prosecution witnesses have been examined till date out of 19 witnesses cited by the prosecution and in view of his long incarceration, he is entitled to be released on bail. In support of his contention, learned counsel for the petitioner has relied upon judgments passed in CRM-M-21794 of 2023 – **Sandeep Singh Vs. State of Punjab** decided on 05.05.2023, CRR-1785 of 2018 (O&M)- **Vicky Kaur Vs. State of Punjab**, decided on 13.08.2018, CRM-M-14029 of 2018 **Kamlesh Vs. State of Punjab**, decided on 06.05.2015, CRM-M-17321 of 2025 **Jassu Ram @ Jasuram Vs. State of Punjab**, decided on 04.04.2025 and a judgment of Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. (s).12788/2023 – **Nandalal Mondal @ Abhay Mondal Vs. The State of West Bengal**.

5. On the other hand, learned State Counsel, on instructions



from ASI Labh Singh, has opposed the bail and argued that the petitioner has committed a heinous crime as he was found in possession of commercial quantity of narcotic substance and in view of rigors contained in statutory provision of Section 37 of NDPS Act, he is not entitled to the benefit of bail.

6. As per allegations, petitioner was found to be in possession of 262.2 grams of Dicyclomine Hydrochloride, Tramadol Hydrochloride and Acetaminophen Marka Spasmaxx-B, which is marginally above 250 grams and falls within commercial quantity. Petitioner is in custody since 15.09.2024 and only two witnesses have been examined till date and trial thus has been delayed and there is also no likelihood of the same being concluded soon. Hon'ble Supreme Court in 2023 Live Law (SC) 533, **Rabi Prakash Vs. State of Odisha** has held that prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37 of the NDPS Act. To the same effect is the law laid down by Hon'ble Supreme Court in 2024 (4) RCR (Criminal) 172, **Ankur Chaudhary Vs. State of Madhya Pradesh** and 2023 AIR(SC) 1648, **Mohammad Muslim alias Hussain Vs. State (NCT of Delhi)** in which Hon'ble Supreme Court while granting regular bail to an accused, from whom commercial quantity of contraband was recovered, has held that grant of bail on the ground of undue delay in trial cannot be said to be fettered by Section 37 of the NDPS Act. A Co-ordinate Bench of this



Court has also held so in judgment reported as Law Finder Doc Id #2770222 titled **Garpawandeep Singh alias Bihari Vs. State of Punjab** decided vide judgment dated 27.08.2025 passed in CRM-M-19408 of 2025 wherein 260 grams of heroin was allegedly recovered, which was marginally above commercial quantity of 250 grams. Hon'ble Supreme Court in Special Leave to Appeal (Criminal) No.12788/2023 titled **Nandalal Mondal alias Abhay Mondal Vs. The State of West Bengal**, vide judgment dated 03.01.2024 while taking into consideration the period of custody already undergone by the petitioner/under-trial, the fact that he does not have any criminal antecedents and also keeping in view the prolonged incarceration, ordered release of the petitioner on bail who was found in possession of 10,000 ml of codeine phosphate - a cough syrup which falls within the commercial quantity. In CRM-M-37827/2022, titled **Parkash Sahu Vs. State of Punjab** decided vide judgment dated 14.12.2002, a co-ordinate Bench of this Court also granted bail on the ground of delayed trial in which 02 kg. 600 grams of opium was recovered which was marginally above the commercial quantity of 02 kg 500 grams.

7. Therefore, taking into consideration the facts and circumstances of the present case and also the ratio of law laid down in afore-mentioned case laws, I am of the opinion that no useful purpose will be served by keeping the petitioner in custody and resultantly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of



learned Trial Court/Duty Magistrate concerned, on usual terms and conditions. However, in addition to the terms and conditions that may be imposed by the trial Court/Duty Magistrate concerned, petitioner shall remain bound by the following conditions:-

- (i) Petitioner shall not misuse the concession of bail granted to him.
- (ii) Petitioner shall not tamper with any evidence, oral or documentary during the trial.
- (iii) Petitioner shall regularly appear before the trial Court and he will not commit any offence of similar nature while on bail.
- (iv) Petitioner shall deposit his passport, if any, with the trial Court.
- (v) Petitioner shall not in any manner delay the trial.

In case of breach of any of the aforesaid conditions or the conditions that may be imposed by the trial Court or upon any other sufficient cause, the State shall be at liberty to apply for cancellation of bail.

08.09.2025  
Priyanka Thakur

(YASHVIR SINGH RATHOR)  
JUDGE

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |