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

CRM-M-42057-2025

Date of decision : 08.09.2025

Ravi Kumar**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kartik Khicher, Advocate
for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.204 dated 03.10.2024, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dasuya, District Hoshiarpur.
2. Succinctly the facts of the case are that the Police party while on patrolling on 03.10.2024, when reached near village Hamja Maur GT Road, saw a person standing. On seeing the police, he got perplexed and started walking swiftly towards village Hamja. He took out an envelope from the right pocket of his lower (payjama) and threw it on the road. On suspicion, he was stopped. On asking, he disclosed his name as Ravi Kumar (present petitioner). He was suspected to be carrying some contraband in the envelope being thrown by him and thus, the same was searched. On conducting the search, 96 grams of narcotic substance were recovered from the envelope thrown by him. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The



samples taken were sent to the FSL. As per the FSL report, the samples of the narcotic substance powder were found to be containing Alprazolam. On completion of investigation, challan was presented. On framing of charges, the trial Court commenced the trial. The petitioner approached the Learned Judge, Special Court, Hoshiarpur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Hoshiarpur vide order dated 07.12.2024. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the compliance of Section 50 of NDPS Act, was mandatory in conducting the search, however, there is violation of the same as well. He submits that even otherwise the alleged recovery was 96 grams of Alprazolam, which is a non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted. He submits that though the petitioner is involved in other cases, however, he has never been involved in any other case under the NDPS Act, except the present one. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the recovery of 96 grams of narcotic substance powder containing Alprazolam was effected from the petitioner, on due compliance of relevant provisions of NDPS Act. She, on instructions, has submitted that out of total 07

prosecution witnesses only 02 witnesses have been examined. She has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest i.e. 03.10.2024. The alleged recovery effected is 96 grams of Alprazolam which is a non-commercial quantity. As per custody certificate, the petitioner has suffered incarceration of 11 months as on 05.09.2025. It further reflects that though the petitioner is involved in 07 other cases, however, no other case is under NDPS Act.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

7. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

08.09.2025

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(RAJESH BHARDWAJ)

JUDGE

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