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

**CRM-M No.41668 of 2025
Date of Decision: 07.08.2025**

Partap Kumar @ Ashoki**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.191, dated 31.08.2024, under Section 22(c) of NDPS Act (Sections 331(4), 305, 238 of BNS, 2023 added later on), registered at Police Station City Kotkapura, District Faridkot.

2. The petitioner had earlier approached this Court through legal aid counsel praying for the grant of regular bail by way of filing **CRM-M No.36865 of 2025**, however after hearing at length, when this Court was not inclined to grant bail to the petitioner, the same was allowed to be dismissed as not pressed vide order dated 21.07.2025. Now



again the petitioner has approached this Court through legal aid counsel praying for the grant of bail by way of filing the present second petition.

3. Succinctly the facts of the case are that the police party, while on patrolling on 31.08.2024, saw two young men coming and met each other. Both were having white transparent envelopes in their right hand. On seeing the police, they got perplexed. However on suspicion, they were apprehended. On asking, they disclosed their names to be Dheeraj Kumar @ Kapa and Pratap Kumar @ Ashoki (petitioner). They were suspected to be carrying some contraband in the envelopes being carried out by them and thus their search was conducted. On conducting the search of transparent envelopes being carried by both of them, 60 boxes of narcotic pills of Buprenorphine were recovered. The total recovery effected is 6000 narcotic pills. They failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and both were arrested on the spot. The samples taken were sent to the FSL and on receiving the FSL report, the challan was presented. On framing the charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Faridkot praying for the grant of bail. However after hearing both the sides, the learned Judge, Special Court, Faridkot, finding no merit in the same, dismissed the petition filed by the petitioner vide her order dated 18.03.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of bail by way of filing CRM-M-36865-2025, however the same was dismissed as not pressed vide order dated 21.07.2025. Hence being



aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

4. Learned legal aid counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present petition. He has further submitted that the petitioner has undergone the incarceration of more than 11 months and there is a violation of mandatory provisions of Section 50 of NDPS Act. He has thus submitted that the petitioner deserves to be granted bail.

5. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that the recovery effected from the petitioner and the co-accused is a heavy commercial quantity. He has submitted that as per the FSL report, 6000 Buprenorphine tablets recovered from the petitioner were found to be weighing 606 grams, which is a commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. He, on instructions has submitted that out of 22 prosecution witnesses, only 01 witness has been examined till date. He has placed on record custody certificate of the petitioner. He has thus submitted that no case for the grant of bail to the petitioner is made out and the present petition deserves to be dismissed.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery effected from the petitioner is a commercial quantity, which is 606 grams and thus provisions of Section

37 of NDPS Act are attracted. Earlier when this Court was not inclined to grant bail to the petitioner in CRM-M No.36865 of 2025, the same was dismissed as not pressed vide order dated 21.07.2025. Now the present petition has been filed by the petitioner with the similar prayer just after about 18 days.

3. This Court neither find any change in the circumstances nor find any merit in the present petition, which would entitle the petitioner for the grant of regular bail. Hence, the present petition is dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.08.2025

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

(RAJESH BHARDWAJ)
JUDGE