



Sr. No. 218

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

CRM-M-45678-2024 (O&M)

Date of decision : 10.03.2025

Rajan Chopra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.R.S. Sohi, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to petitioner in FIR No. 96 dated 18.09.2022, under Sections 22 & 27 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station, Kiratpur Sahib, District Rupnagar.

2. Allegations are that 94.60 grams of intoxicant powder containing *Diacetylmorphine* and *Tramadol Hydrochloride* (non-commercial) was recovered from the petitioner and co-accused.

3. Contends that petitioner was granted interim bail by this Court on 19.11.2024 and in pursuance of the aforesaid order, he is regularly appearing before learned Special Court. Also contends that alleged recovery against the petitioner is 94.60 gram intoxicant powder



(non-commercial quantity). Further contends that there is no allegation that petitioner is likely to misuse the concession and/or hamper the proceedings in any manner.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner has not misused the concession of interim bail till date.

5. Heard learned counsel for the petitioner and perused the paper-book.

6. This Court granted interim bail to the petitioner on 19.11.2024 in the following manner:-

“ Contends that petitioner is in custody since 28.03.2024 and recovery alleged against the petitioner is non-commercial in nature.

Learned State counsel seeks time to verify the pendency of other cases against the petitioner.

Posted 19.12.2024.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned Special Court/CJM/Duty Magistrate concerned.”

7. It is not in dispute that recovery alleged against the petitioner is non-commercial in nature. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned Special Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession and/or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 19.11.2024, is made absolute.



He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and shall fully co-operate with learned Special Court without seeking any unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the merits of the case, in any manner.

11. It is clarified that if there is any recurrence or misuse of concession on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

10.03.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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