



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-43328-2025
Date of decision: 28.10.2025

SANJEEV KUMAR @ SONU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Ms. Parul Panchal, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

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 bail to the petitioner in case FIR No.19 dated 06.03.2025, under Sections 22 of NDPS Act and Section 111 of BNS, 2023, registered at Police Station Mahilpur, District Hoshiarpur.
2. Brief facts of the prosecution case are that on 06.03.2025, police party headed by ASI Dilbagh Singh, was on patrolling duty near Mahilpur Shahidan Road towards Halluwal side, when one person was seen coming on foot. On seeing the police party, he threw the transparent polythene envelope, which he was holding in his right hand and tried to flee from the spot, but was apprehended by the police party. The accused disclosed his name as Sanjeev Kumar @ Sonu. Upon checking the said polythene envelope, it was found to contain 106 loose intoxicating tablets (Alprazolam). The contraband was taken into possession and after completion of investigation, challan has been presented for trial.



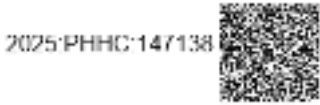
- 2 -

3. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

4. Learned counsel for the petitioner submits that the recovered quantity is marginally above the small quantity and falls within intermediate quantity. Petitioner is in custody since 06.03.2025. Learned counsel for the petitioner further argued that trial will take sufficiently long time to conclude and no useful purpose would be served by keeping the petitioner inside jail. In support of his contention, learned counsel has cited **2022 (4) RCR (Criminal) 299, State of West Bengal v. Rakesh Singh @ Rakesh Kumar Singh** and judgment dated 18.7.2025 passed by Coordinate Bench of this Court in CRM-M-34380-2025 titled **Shamsher Singh @ Shera v. State of Punjab** in which it has been held that where the quantity involved is not commercial, rigors of Section 37 of NDPS Act do not apply. Learned counsel, thus, prayed that the petitioner be released on regular bail.

5. On the other hand, learned State Counsel has opposed the bail and argued that in view of the gravity of the offence, petitioner does not deserve the concession of bail.

6. In the present case, 106 loose tablets of Alprazolam have been recovered from the petitioner, and as per the FSL report dated 27.05.2025, shown by the learned State counsel, the average weight of each tablet comes around 102 mg, and hence the recovered contraband falls within the category of intermediate quantity. Since the contraband recovered is intermediate in nature, the provisions of Section 37 of NDPS Act pertaining to grant of bail are also not attracted. Moreover, the petitioner is in custody since 06.03.2025. Trial is likely to take



sufficiently long time to conclude and further detention of the petitioner is, thus, not required and he deserves to be released on bail.

7. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

28.10.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

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