

2025:PHHC:120466



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

CRM-M-44379-2025
Date of Decision: 04.09.2025

Pardeep Kumar @ Ajay	...	Petitioner
Versus		
State of Punjab	...	Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Vipul Khurana, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.22 dated 12.03.2025, registered against him, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mahilpur, District Hoshiarpur, has filed the first petition for grant of bail under Section 483 of BNSS.
2. Facts and allegations as taken from the status report filed by the State reveal that on 12.03.2025, while the police team headed by ASI, Gulshan Mohammad were on patrolling duty in Mahilpur City area (District Hoshiarpur), 77 loose intoxicated tablets, were recovered from the polythene bag thrown by the petitioner on the side of the road. Requisites statutory formalities of the NDPS Act, 1985 were complied with by the investigating agency.
3. Petitioner, who was apprehended at the site has filed the application for grant of bail on the ground that he has been falsely implicated in the present case. As per FSL report dated 28.05.2025, “Alprazolam” was found in the tablets.

Average weight of one tablet being 0.5 mg, the total weight of 77 tablets is 8085 mg, which when converted into grams, comes to 8.085 grams i.e. marginally more than 'Small' quantity as per notification dated 16.07.1996. Learned counsel further submits that petitioner, who has been in custody since 12.03.2025, deserves a lenient view to be taken in his favour, more so when investigations are complete, challan has been filed, charge has also been framed. Since completion of trial would take long time, his further incarceration would not serve any useful purpose. Taking his further submission learned counsel contends that simply because petitioner is involved in another criminal case (FIR No.01 dated 03.01.2025 under Section 15 of the NDPS Act, registered at Police Station Mahilpur, District Hoshiarpur), can also not be a ground to deny him the concession of bail in the present case. To support his contentions, he places reliance upon *Neelkamal Singh alias Billa Vs. State of Punjab (P&H): Law Finder Doc Id#2642664*. With these submissions, it was prayed that the present petition be allowed.

4. Status report dated 03.09.2025 in the shape of affidavit of Mr. Jaspreet Singh, PPS, Deputy Superintendent of Police, Sub-Division Garhshankar, District Hoshiarpur, has been filed. The same is taken on record. Copy of the same has been supplied to the counsel for the petitioner. The same is accompanied by the report of FSL. The said report also endorses the stand of petitioner that 77 tablets alleged to have been recovered from the polythene bag thrown by him is way less than the commercial quantity.

Learned State counsel has opposed the request for grant of bail on the ground that petitioner is a habitual offender; being involved in another criminal case of like nature (FIR No.01 dated 03.01.2025) as also that if extended the concession of bail, there is every likelihood of him fleeing from the process of justice by not appearing in the Court and over-awing the prosecution witnesses.

Dismissal of the application was prayed for.

5. In view of the submissions advanced by learned counsel for the petitioner, but without expressing opinion on the merits of the case, lenient view is taken in favour of the petitioner, who has been in custody since 12.03.2025, by extending him the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.*
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vi) The petitioner shall not in any manner misuse his liberty.*
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

6. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as

granted to the petitioner by this order.

7. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

04.09.2025
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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