



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

CRM-M No.46934 of 2025 (O&M)

Reserved on: 27.10.2025

Date of Decision: 31.10.2025

Ajay Kochar

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

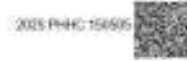
Argued By: Mr.Prateek Pandit, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 22, 25, 27-A and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 and under Sections 111 and 223 of BNS, the FIR No.26 dated 01.03.2025, has been lodged in Police Station Sadar Nakodar, District Jalandhar. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is third petition seeking for grant of bail, filed by the petitioner under Section 483 of BNSS.

2. Briefly stating the fact emerging from record are that the FIR of this case came into being when a chance recovery of contraband, i.e. 650 tablets of Alprazolam and 500 tablets of Tramadol Hydrochloride and 200 tablets of Pregabalin, had taken place. According to prosecution on



01.03.2025 a police party headed by ASI Navdeep Singh was on patrolling duty when a tip-off was given to him by an informer who stated that Sunil Kumar and Ranjit Singh were involved in selling of narcotic capsules, and that they frequently travelled in Alto car bearing registration no. PB-12Y-2164. As per above named ASI the informer had also stated that they were preparing to visit villages for sale of narcotic capsules in the above mentioned car.

3. It is the case of the prosecution that in view of above mentioned information a barricade was raised on the road and the above mentioned car was intercepted. It is the case of prosecution that while following the laid down instructions and procedure, when search of the persons of Sunil Kumar and Ranjit Singh was executed it was found that Ranjit Singh was carrying 650 pills of intoxicant tablets along with currency notes of Rs.5,00,000/- and the accused Sunil Kumar was found in possession of 500 intoxicant tablets. It is the case of the prosecution that in view of above mentioned recovery the requisite formality with regard to seizure of contraband, registration of FIR and arrest of accused were undertaken, and the investigation started.

4. As per prosecution during the course of investigation the accused Ranjit Singh had suffered a disclosure statement, pursuant to which, the petitioner was apprehended, from whose possession 14000 capsules of Pregabalin were recovered. While alleging that the petitioner and co-accused were involved in the organized crime the prosecution has been

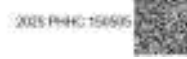


launched under Section 111 of BNS also.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that the report of Forensic Science Laboratory makes it abundantly clear that the recovered medicine found in possession of petitioner has not been defined as narcotic or psychotropic substance under 'Narcotic Drugs & Psychotropic Substances Act, 1985'. According to learned counsel for the petitioner, since the petitioner has been nominated in view of disclosure statement of co-accused, and the above mentioned disclosure statement has no legal sanctity, being inadmissible in evidence, no offence against the petitioner is made out.

7. In addition to above, the learned counsel for the petitioner has also argued that in the present case, it is relevant to be noted that even the recovery of contraband from the possession of co-accused does not come within the ambit of commercial quantity and that the second bail petition was erroneously dismissed by this Court while presuming the recovered quantity to be commercial quantity. According to learned counsel for the petitioner, the petitioner has already suffered incarceration for a period of more than 7 ½ months and that barring one case the petitioner has clean antecedents. While arguing that in the given fact-situation third bail petition is maintainable, the learned counsel for the petitioner has urged for the benefit of bail for the petitioner.



8. Per contra, the learned State counsel has argued that the second petition for bail moved by the petitioner was decided by this Court on merits and from the date of dismissal of second bail petition no significant change in material circumstances has taken place. According to learned State counsel once there is no change in circumstances, the third petition for bail, particularly when the second bail petition was decided on merits, is not maintainable.

9. The record has been perused carefully.

10. A perusal of record shows that the Co-ordinate Bench of this Court vide order dated 21.05.2025 had dismissed the second bail petition, moved by the petitioner, while holding that rigors of Section 37 of Narcotic Drugs & Psychotropic Substances Act, 1985 are applicable in the present case, and that the petitioner has failed to satisfy the above mentioned twin conditions.

11. The above mentioned findings recorded by this Court have not been challenged by the petitioner, and thus, the same has become final. In such eventuality, there is a big question mark with regard to maintainability of present petition, which is third petition.

12. It is also relevant to mention here that learned counsel for the petitioner has failed to highlight any significant change in the relevant circumstances from the date of dismissal of second bail petition, which could make the petitioner eligible for filing of third petition for bail. Thus, in my opinion, on this ground also the third petition for bail is not



maintainable.

13. As a sequel to above mentioned observations, once this Court cannot sit as a court of Appeal with regard to observations made by the Co-ordinate Bench, unless set aside by the superior Court, observations made by the Co-ordinate Bench are binding. Otherwise also there is no significant change in material circumstances from the date of dismissal of second bail petition. Therefore, it is hereby held that the present petition is devoid of merit and deserves dismissal. The same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

31.10.2025
Manoj Bhutani

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