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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-47326-2025 (O&M)
Date of decision: 31.10.2025

Rajak Ali @ Ramzan Ali ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Harsh Chopra, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 46 dated 01.03.2025, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Rupnagar, District Rupnagar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 01.03.2025, on the basis of a secret information, the petitioner, while coming on a motorcycle bearing registration number HR-92-2404, was apprehended by a police party and recovery of 11 intoxicant injections of Buperonorphine having 02 ML each and 03 injections of Avilin-vet having 33 ML each was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. During interrogation, he also disclosed that he had stolen the aforesaid bike from Kharar. After completion of necessary

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investigation and usual formalities, *challan* was presented before the Court on 25.07.2025 and presently, the petitioner is facing trial for commission of aforesaid mentioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery was planted upon him. Mandatory provisions of the NDPS Act were not complied with properly. Even otherwise, investigation has since been completed and challan has been presented. The trial is likely to take a long time. The petitioner is in custody since 01.03.2025. No useful purpose would be served by keeping him in custody anymore. It is further argued that in alternative, the petitioner may be granted concession of interim bail for a period of three months enabling him to get his ailing son treated from PGIMER, Chandigarh. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. Commercial quantity of the contraband has been recovered from him, which attracts the bar contained in Section 37 of the NDPS Act. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the submissions made by both the sides.

6. As per the allegations, the petitioner was apprehended by the police party on 01.03.2025 and recovery of aforesaid intoxicant drugs, quantity of which falls under commercial quantity, was effected from him. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the

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petitioner. A perusal of the status report reveals that apart from the present case, the petitioner is facing trial in five other cases of similar nature, which goes to show that he is a habitual offender. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. So far as the alternative prayer of the petitioner with regard to grant of interim bail is concerned, his son is now shown to be taking treatment as an out patient from PGIMER, Chandigarh, which obviously does not make out any ground for grant of interim bail to the petitioner. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

31.10.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No