



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

267

CRM-49866-2024 IN/&
CRM-M-50418-2024 (O&M)
Date of Decision:- 20.05.2025

WARIS WADHWA @ VARIS WADHWA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.S. Thakur, Advocate for
Mr. Monty Goyal, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SANJIV BERRY, J. (ORAL)

- 1. Reply dated 01.04.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Jagraon, District Ludhiana (Rural) is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
- 2. Arguments heard.
- 3. The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner along with application seeking interim bail to the petitioner for a period of 04 weeks in the following case :-

FIR No.	Dated	Sections	Police Station
42	23.02.2023	22, 25 of the NDPS Act	City Jagraon, District Ludhiana, Punjab



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the father of the petitioner is suffering from Malunited Fracture tibia left upper end, for which his surgery is to be performed. He submits that after the completion of investigation, challan has already been presented in Court. The conclusion of trial will take sufficient long time, thus, prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply filed by the State has assailed these arguments by submitting that the petitioner is a habitual offender, as 7 more cases out of which, 3 cases are under the NDPS Act, have been registered against the petitioner. He submits that in the present case, 825 intoxicant tablets were recovered from the conscious possession of the petitioner, which falls within the purview of commercial quantity. He submits that considering the antecedents and recovery effected from the petitioner, he does not deserve the concession of bail and prays for dismissal of the petition along with application seeking interim bail.

6. After considering the rival contentions and perusing the record, it transpires that on the basis of secret information, a *nakka* was laid on 23.02.2023 by the police and the motorcycle No.PB10-EU-5935 was apprehended in the area of Village Aligarh. The petitioner, who was sitting on the pillion, was found keeping in his possession an envelope carrying intoxicant tablets, which were duly taken into police possession and found to be having 825 tablets of Alprazolam IP 0.5 mg. Accordingly, FIR was



registered and the petitioner was arrested. After the completion of investigation, challan was presented in Court wherein the prosecution has cited 13 witnesses and 05 witnesses have already been examined.

7. The perusal of the record would reveal that the petitioner was found keeping in his possession commercial quantity of narcotics, thereby attracting the provisions of Section 37 of the NDPS Act. Even otherwise, the petitioner has 03 more cases under the NDPS Act registered against him, indicating that the petitioner is a habitual offender.

8. Therefore, in these circumstances, considering the facts, no case is made out in favour of the petitioner for grant of bail or interim bail to the petitioner at this stage. Accordingly, the present petition along with application seeking interim bail, is dismissed.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No