



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

224

CRM-M No.49633 of 2025

Date of decision : 26.11.2025

Date of uploading : 26.11.2025

Pritpal Singh @ Binda

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Chetan Goyal, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.91 dated 10.7.2024, under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Dakha, Ludhiana
2. The gravamen of the allegations against the petitioner is that the petitioner was apprehended by the police upon suspicion, while he was going on foot. Upon having conducted search thereof, recovery of 180 look intoxicants tablets (containing 123 mgs. of buprenorphine hydrochloride salt, total comes to 22.14 grams) has been allegedly effected from the petitioner



3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 10.7.2024. Learned counsel has further submitted that the mandatory provisions of the NDPS Act have not been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the contraband alleged to have been recovered from the petitioner is 22.14 grams buprenorphine hydrochloride, which is marginally above the threshold limit of non-commercial quantity specified in the notification issued under the NDPS Act. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 24.11.2025. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel has further submitted that the instant bail plea is barred by the rigors of Section 37 of the NDPS Act, and thus, the same ought to be dismissed.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 10.7.2024 whereinafter investigation was carried out and challan was presented on 4.3.2025. Total 8 prosecution witnesses have been cited, out of which only 01 has been examined till date. It is, thus, indubitable that conclusion of the trial will take long. It is not in dispute that the contraband allegedly recovered



from the petitioner is 22.14 grams buprenorphine hydrochloride, which is marginally above the threshold limit of non-commercial quantity. Reliance in this regard can be placed upon the orders passed by this Court in *Rajdev Giri versus State of Punjab*, CRM-M-44898-2019, decided on 18.09.2020; *Rahish versus State of Haryana*, CRM-M-36498-2020, decided on 11.11.2020; *Karambir versus State of Haryana*, CRM-M-31820-2019, decided on 28.08.2019; *Jagjit Singh @ Jagga Gill versus State of Punjab*, CRM-M-41242-2019, decided on 27.02.2020 and *Baljit Kaur @ Baljito versus State of Punjab*, CRM-M-12849-2020, decided on 04.06.2020, wherein accused were enlarged on bail in cases where the alleged recovery was slightly more than the quantity prescribed for non-commercial category under the NDPS Act. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned



CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.



- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

26.11.2025
Ashwani

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