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

CRM-M-49173-2025

Date of decision: 08.12.2025

GURMEJ SINGH**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.36 dated 26.06.2018 under Section 22 of NDPS Act, 1985 registered at Police Station Sarai Amanat Khan, District Tarn Taran.

2. Succinctly the facts of the case are that on 26.06.2018, police party while on patrolling, when reached Village Hawailian, they saw a clean-shaven man coming towards the metalled road from the link road. On seeing the police party, he got perplexed and threw a plastic envelope on the ground, which he was holding in his hands. On suspicion, he was stopped. He was suspected to be carrying some contraband in the envelope having been thrown by him and the same was searched. During the search, 75 tablets of Alprax were recovered from the envelope. He failed to produce any license regarding the possession of the same and was arrested at the spot. FIR got registered and investigation commenced. However, he was granted interim bail on 25.09.2018 by the learned trial Court till the receipt of chemical report. Subsequently, he failed to appear



before the trial Court and was declared as Proclaimed offender on 06.04.2024. Thereafter, he was arrested on 01.10.2024. He approached the learned Additional Sessions Judge, Tarn Taran for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Tarn Taran declined the bail application vide order dated 24.03.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He further submits that the alleged recovery is from a public place and no independent witness has been joined and the provisions of Section 50 of the NDPS Act was violated. He further submits that petitioner was granted interim bail, however, due to miscommunication with his counsel in the trial Court, he remained absent and was declared as Proclaimed Offender vide order dated 06.04.2024 and now he is behind bars since 01.10.2024. He further submits that alleged recovery falls within the category of non-commercial quantity, and therefore, the provisions of Section 37 of the NDPS Act are not attracted. He further submits that petitioner is not involved in any other case.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He fairly submits that though the recovery is a non-commercial quantity, the petitioner misused the concession of interim bail granted to him. Therefore, he was rightly declared as Proclaimed Offender. On instructions, he submits that out of 07 prosecution witnesses, only 01 has been examined so far. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

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6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery effected in the present case is 53.01 grams of Alprazolam Hydrochloride which falls within the category of non-commercial quantity. Petitioner was granted interim bail during the pendency of FSL report, however, the same was cancelled due to his absence before the learned trial Court. Thereafter, he has been declared as Proclaimed Offender. Petitioner has no criminal antecedents as per the contention raised by learned counsel for the petitioner. Out of 07 prosecution witnesses, only 01 has been examined so far.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court, out of total 07 prosecution witnesses, only 01 has been examined so far. The trial of the case will take sufficiently long time.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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