



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

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CRM-M No.50019 of 2025 (O&M)

Date of Decision:15.09.2025

Rajan

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr.Amit Kumar, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Section 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, the FIR No.264 dated 04.11.2018, has been lodged in Police Station Moti Nagar, District Ludhiana. The petitioner is being prosecuted for the commission of above mentioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for the benefit of bail. This is first petition, filed by the petitioner, under Section 483 of BNSS.

2. Briefly stated the allegations as emanating from the FIR are that on 04.11.2018, Inspector Jaswinder Singh got a tip-off that the petitioner and his other family members are involved in the sale of psychotropic substance and that they were in possession of the same. According to prosecution, in view of above mentioned information, a raid was conducted at the residence of petitioner where the petitioner, his sister Pooja and his mother Mohindro were



present and during search of the house of the petitioner 1350 intoxicating tablets make alprazolam were recovered. According to prosecution in the wake of above mentioned recovery necessary documentation was completed on the spot and the petitioner along with his mother and sister were arrested. Investigation in this case is already complete and the petitioner & his co-accused have been sent to trial.

3. Notice of motion.

4. Since advance notice has already been served, Mr. Jatinder Pal Singh, Sr. DAG, Punjab, appears on behalf of respondent-State, and waives service.

5. Learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. He has opted not to file formal reply to the petition. However, he has orally opposed the present bail petition.

6. Heard.

7. It has been contended by learned counsel for the petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime and that a false story has been cooked up by the prosecution. According to learned counsel for the petitioner, the petitioner has already suffered sufficient incarceration for being in custody for a period of 1 year, 5 months and 25 days. It has also been contended by learned counsel for the petitioner that nothing is left to be recovered from the possession of the petitioner and the investigation and trial is not likely to be concluded in near future, as out of 13 only 2 witnesses have been examined, so far.

8. In addition to above, it has also been argued by learned counsel



for the petitioner that the benefit of bail in this case has already been afforded to co-accused Mahindro. According to learned counsel for the petitioner the case of petitioner and his co-accused stand on the same footing and, therefore, on the ground of parity also the petitioner is entitled for the benefit of bail. Learned counsel for the petitioner, in support of his contention has placed reliance upon the observations made by the Hon'ble Supreme Court in the case of **Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023.**

9. Per contra, learned State counsel has argued that the quantity of contraband recovered from the possession of the petitioner and his co-accused falls within the category of commercial quantity and, therefore, rigors of Section 37 are applicable in the present case. In addition to above, it has also been argued by learned State counsel that large quantity of intoxicating tablets have been recovered from the possession of accused and in view of gravity of offence also the petitioner is not entitled for the benefit of bail.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the factors which are relevant for arriving at a decision qua the present application: -

- (1) that the petitioner is already in custody for a period of 1 year 5 months and 25 days;
- (2) that as per custody certificate of the petitioner, he has no criminal antecedents and he has never been prosecuted in the past, or after the filing of present FIR;
- (3) that the investigation in this case is already complete and, therefore, nothing is left to be recovered from the possession of



- the petitioner;
- (4) that the trial is not likely to be concluded in near future;
 - (5) that detaining of petitioner in the judicial lock up is not likely to serve any purpose;
 - (6) that the benefit of bail has already been afforded to the co-accused;
 - (7) that all witnesses are, yet to be examined, are official witnesses and therefore, there is no chance of tampering of evidence and influencing of witnesses by the petitioner.

12. If cumulative effect of all the above mentioned factors is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail.

13. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

15.09.2025

Manoj Bhutani

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