

2025:PHHC:061801



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

CRM-M-53618-2024 (O&M)

Reserved on : 08.05.2025

Pronounced on : 13.05.2025

Sandeep Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Bhagat Singh Ghuman, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the third petition that has been filed by the petitioner regular bail in case arising out of FIR No. 119 dated 20.09.2023, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dirba, District Sangarur. The previous petitions, bearing number **CRM-M-4398-2024** and **CRM-M-32285-2024**, were dismissed as withdrawn on 08.02.2024 and 15.07.2024, respectively.

2. Brief facts of the case relevant for the disposal of the present petition are that on 20.09.2023, a secret information to the effect that the petitioner was indulged in selling intoxicating tablets by procuring the same from one Gurpreet Singh, was received and believing the same to be reliable, the petitioner, while coming on a motorcycle bearing registration number PB-13-BG-2558, was apprehended by a police party headed by ASI Gurdev Singh and recovery of 2000 intoxicating tablets of Tramadol

2025:PHHC:061801



Hydrochloride was effected from him. Since he could not produce any licence or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. Upon interrogation, he admitted his guilt and disclosed that he used to purchase the intoxicating tablets from above name Gurpreet Singh. On the basis of the same, said Gurpreet Singh was also nominated in this case as an accused. After completion of necessary investigation, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, the contraband allegedly recovered from the petitioner was planted upon him. The mandatory provisions of Sections 42 and 50 of the NDPS Act were also not complied with. There are certain other lacunas in the investigation, which establish the fact that the petitioner was falsely implicated in this case. The petitioner is in judicial custody since 20.09.2023. Investigation has since been completed and *challan* has been filed. Conclusion of the trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. The petitioner was granted concession of interim bail, vide order dated 24.02.2025, on account of death of his minor daughter and after availing the same, he has surrendered within time and has not misused the same. Co-accused Gurpreet Singh has been granted concession of anticipatory bail by this Court, vide order dated 15.02.2024 passed in **CRM-M-54132-2023**. With these broad submissions, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted

2025:PHHC:061801



benefit of regular bail.

4. *Per contra*, learned Assistant Advocate General, Punjab has vehemently argued that the petitioner is not entitled to get benefit of bail as a huge quantity of the contraband was recovered from him, which falls under commercial quantity. He was nabbed at the spot. His story regarding false implication and plantation of the recovered contraband is concocted one. FSL report has been received, as per which, *Tramadol Hydrochloride* salt has been found in the recovered intoxicant tablets and the total weight of the tablets was found to be 756 grams, which falls under commercial quantity. It is further argued that since the recovery of the contraband effected from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against him and he is not entitled to get benefit of bail. The trial may be expedited. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party and the recovery of 2000 loose intoxicant tablets (*Tramadol Hydrochloride*) was effected from him. As per FSL report, the total weight of the recovered contraband would come to 756 grams, which is a huge quantity and certainly falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar

2025:PHHC:061801



offences can also not be stated to be unfounded. There are serious and specific allegations against the petitioner. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. The arguments raised by learned counsel for the petitioner with regard to lacunas in investigation cannot be looked into at this stage as the same is to be decided by the trial Court after appreciating the entire evidence and material placed on record before it. The petitioner cannot claim parity with co-accused Gurpreet Singh as he was nominated only on petitioner's disclosure and his case is on different footing. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from the petitioner, 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 he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

13.05.2025

*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*