

232 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-50145-2025
Date of decision: 27.11.2025**

LAKHVEER SINGH ALIAS LAKHVIR SINGH ALIAS LAKHA

....Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

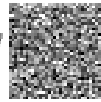
CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Himanshu Bansal, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

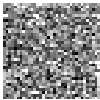
1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.126 dated 24.06.2025, under Sections 22-B, 27/61/85 of NDPS Act registered at Police Station Nahianwala, District Bathinda.
2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.
3. The brief facts of the prosecution case are that on 24.06.2025, on the basis of suspicion, one Lakhveer Singh Alias Lakhvir Singh Alias Lakha (petitioner) was apprehended by the police party and upon search, 120 loose tablets containing Tramadol Hydorchloride, weighing 41.4 gms were recovered from his possession. The contraband was taken into possession and he was arrested.



4. Learned counsel for the petitioner argued that the petitioner has been falsely implicated and there is no direct evidence connecting the accused with the alleged offence. No offence under Section 22 (b) of NDPS Act is attracted. Petitioner is in custody since 24.06.2025. The contraband recovered falls within non-commercial quantity. Investigation and trial will take a long time to conclude and the petitioner be, thus, released on bail. In support of his contention, learned counsel has cited 2022 (4) RCR (Criminal) 299, **State of West Bengal v. Rakesh Singh @ Rakesh Kumar Singh** and judgment dated 18.7.2025 passed by Coordinate Bench of this Court in CRM-M-34380-2025 titled **Shamsher Singh @ Shera v. State of Punjab** in which it has been held that where the quantity involved is non commercial, rigors of Section 37 of NDPS Act do not apply.

5. On the other hand, learned State counsel has opposed the bail and argued that petitioner is a habitual offender and he is involved in 11 more cases. In view of his past conduct, he is not entitled to be released on bail.

6. In the present case, 120 loose tablets of Tramadol Hydrochloride have been recovered from the petitioner. The contraband recovered falls within non-commercial quantity. Since the contraband recovered falls within non-commercial quantity, the provisions of Section 37 of NDPS Act pertaining to grant of bail are not attracted. Moreover, the petitioner is in custody since 24.06.2025. Trial is likely to take sufficiently long time to conclude and further detention of the petitioner is, thus, not required and he deserves to be released on bail. Moreover, involvement of petitioner in other cases cannot be made a ground to decline the bail in the present case, in view of the ratio of law laid down by Hon'ble Supreme Court in 2012(2) SCC 382, **Prabhakar Tiwari Vs. State of UP and Anr.** 2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others.**



7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. Pending misc. application (s), if any, shall also stand disposed of.

27.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No