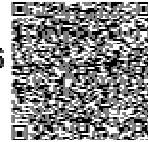


2025:PHHC:056186



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

226

**CRM-M-57034-2024 (O&M)
Date of decision: 30.04.2025**

Rahul Kumar**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vijay Kumar, Advocate
for the petitioner.

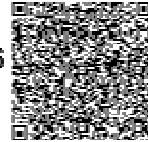
Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail to the petitioner in FIR No. 0133 dated 07.07.2023, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Jagraon, District Ludhiana.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.07.2023, on the basis of a secret information, the petitioner was apprehended by a police party headed by ASI Balwinder Singh and recovery of 300 intoxicating tablets namely *Etazip* having salts of *Etizolam & Propranolol* was effected from him. Since he could not produce any licence or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated

2025:PHHC:056186



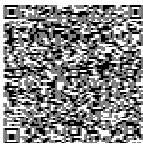
30.05.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. False recovery was planted upon him. Mandatory provisions of Sections 42 and 50 of the NDPS Act were not complied with properly. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 07.07.2023. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from him. 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, *Etizolam* and *Propranolol* have been found in the recovered intoxicant tablets and the total weight of the recovered tablets was found to be 54.9 grams, which falls under commercial quantity. It is further argued that since the quantity 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. The trial may be expedited. The petitioner may abscond or indulge in similar offences, if extended benefit of bail. 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.

2025:PHHC:056186



6. As per the allegations, the petitioner was apprehended by the police party and the recovery of 300 intoxicant tablets was effected from him. As per FSL report, the total weight of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. A perusal of the custody certificate of the petitioner reveals that he is involved in one more criminal case under the provisions of IPC. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences can also not be stated to be unfounded keeping in view his criminal antecedents. 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 learned trial Court after appreciating the entire evidence and material placed on record before it. Keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from him, 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.

30.04.2025

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No