



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-54385-2024 (O&M)
Date of Decision:- 24.03.2025

SUCHA SINGH
Versus
STATE OF PUNJAB
....Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
45	23.06.2024	22 NDPS Act	Dayalpura Bathinda, District Bathinda, Punjab

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the alleged recovery effected from the petitioner falls within the ambit of non-commercial quantity. He submits that the petitioner is in custody since 23.06.2024 and after the completion of investigation, challan has been presented in Court. He further submits that the conclusion of trial is likely to take considerable long time, as no witness has been examined out



of 11 witnesses cited by the prosecution. Thus, prays for grant of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner is a habitual offender and was apprehended by the police party being in conscious possession of 10 strips of ALZPRA-0.5 (containing alprazolam salt) 10 tablets each, i.e. total 100 tablets without any licence or permit. He has, however, not disputed the fact regarding the stage of trial and that the alleged recovery falls within the purview of non-commercial quantity.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the police party apprehended the petitioner on suspicion of having intoxicant tablets with him. Upon search of the polythene bag carried by the petitioner, 10 strips of ALZPRA-0.5 (containing alprazolam salt) 10 tablets each, i.e. total 100 tablets were recovered from the petitioner, which he was carrying without any licence or permit. Accordingly, the petitioner was arrested at the spot and investigation was carried out. Admittedly, the alleged recovery falls within the ambit of non-commercial quantity and after the completion of investigation, challan has been presented in Court. As stated by learned counsel for the petitioner and admitted by learned State counsel, no witness has been examined till date and the prosecution has cited 11 witnesses in all. The criminal liability, if any, of the petitioner, could only be determined



after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

24.03.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No