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

**CRM-M-54207-2025 (O & M)
Date of Decision:-30.09.2025**

Akash Yadav

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Kanwar Arun Singh, Advocate and
Mr. Amit Choudhary, Advocate
for the Petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 483 of BNSS, 2023 is for the grant of regular bail in case FIR No.0029 dated 01.03.2025 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 29, 61, 85 of NDPS Act added later on) registered at Police Station Tibba, Ludhiana.

2. The brief facts of the case are that while the police party was on patrolling duty, two persons were seen walking toward the T Point from Mahavir Jain Colony. On seeing the police party, they got frightened and turned back. Each of them threw black coloured polythene bags kept in their respective trousers. 480 Alprazolam tablets were recovered from the bag thrown by the co-accused/Abhishek Singh son of Rajinder Singh and 360 Alprazolam tablets came to be effected from the bag thrown by Akash Yadav (petitioner).



3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. He contends that only 98 grams of Alprazolam has been recovered at the instance of the petitioner which is less than the commercial quantity i.e. 100 grams and the quantity of contraband recovered from the co-accused cannot be clubbed with the quantity of contraband recovered from him (petitioner). As the petitioner is in custody since 01.03.2025 but none of 12 prosecution witness has been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the recovery from each of the accused is to be clubbed together and therefore, the petitioner is not entitled to the concession of bail as commercial quantity of the contraband has been recovered. He, however, concedes that the petitioner is in custody since 01.03.2025 and none of the 12 prosecution witnesses has been examined so far.

5. I have heard the learned counsel for the parties.

6. It would be a moot-point during the course of the Trial as to whether the recovery that came to be effected from each of the accused can be clubbed together so as to make it commercial quantity of recovery. The petitioner is stated to be a first-time offender, in custody since 01.03.2025 and none of the 12 prosecution witnesses has been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present



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petition is allowed and the petitioner-Akash Yadav is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.09.2024
sukhpreet

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>