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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

238

CRM-M-54927-2025
Date of decision: 27.11.2025

ZULAFKAR KHAN @ KALA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Fateh Saini, Advocate with
Ms. Sangeeta Sharma, Advocate for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

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.102 dated 25.07.2025, under Sections 22(b) and 29 of NDPS Act, registered at Police Station Barara, District Ambala.

2. The brief facts of the prosecution case are that on 24.07.2025, ASI Satish Kumar, along with other police officials, was on patrolling duty and on the basis of secret information, police party reached near village Barara, where a person was seen coming on a motorcycle. On seeing the police party, he got perplexed and suddenly turned his motorcycle and started going back, but he was apprehended by the police party on suspicion. During his personal search, 229 grams (288 capsules) of Tramadol and 11 grams (50 tablets) of Alprazolam were recovered.

3. Upon notice, the State counsel has appeared and has opposed the bail.

Both the parties have been heard and material placed on the file has been perused.



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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 24.07.2025. Trial will take a long time to conclude. The contraband recovered falls within non-commercial quantity 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 the petitioner does not deserve to be released on bail in view of gravity of the offence.

6. In the present case, 229 grams (288 capsules) of Tramadol and 11 grams (50 tablets) of Alprazolam 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 also not attracted. Moreover, the petitioner is in custody since 24.07.2025. 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.

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.

27.11.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

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