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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-45843-2025 in/and
CRM-M No.57650 of 2025
Date of decision: 23.12.2025

Abdul Shah @ Happy Khan ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P.S. Sekhon, Senior Advocate,
with Mr. Rajdeep Singh Gill, Advocate,
for the applicant-petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
33	01.03.2025	Patran, District Patiala	15, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’)

2. As per the allegations, on 01.03.2025, a police party headed by SI Gurmeet Singh was present at Village Patran Khanauri road and had laid a special barricading, when a motorbike was found coming from

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Village Khanauri side. There were two occupants of the vehicle who felt perplexed on noticing the police officials to be present. They stopped the vehicle and tried to take a reverse turn. They were apprehended on suspicion. On conducting search, one black coloured plastic bag was found kept between both of them. On checking the same, 6 kgs. of Broken Pods of poppy husk and 1200 tablets of Alprozolam were found kept in the same which were taken into custody. The occupants disclosed their names as Abdul Shah i.e. the present petitioner and Mushtaq Shah. They were formally arrested. They suffered disclosure statements to the effect that the recovered contraband had been supplied to them by accused Shera Singh who too was nominated as an accused. Investigation now stands completed.

3. The petitioner has also filed application bearing CRM-45843-2025 seeking interim bail for a period of four weeks during the pendency of this petition on the ground that he is suffering from severe spine pain and requires proper treatment.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody for over a period of nine months. The trial will take considerable time to conclude. His continued detention would not serve any useful purpose. He has clean antecedents. He is also suffering from severe spine pain due to nerve suppression at L4-L5

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level. There is numbness in his legs. He is even unable to perform his day to day activities. It is, therefore, argued that he deserves to be extended benefit of interim bail as well as regular bail.

5. Per contra, learned Assistant Advocate General, Punjab has argued that there are serious allegations against the petitioner. Commercial quantity of Alprozolam tablets was recovered from conscious possession of the petitioner and the co-accused. As per the report received from the treating jail doctor, the petitioner is being given symptomatic treatment. His vitals are stable. There are chances of his absconding, if extended benefit of bail. The rigors of Section 37 of NDPS Act are attracted in this case. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have been found in conscious possession of commercial quantity of Alprozolam tablets. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. The rigors of Section 37 of NDPS are attracted in this case. The allegations prima facie make out a case for commission of aforementioned offences against the petitioner. As such, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of regular bail at this stage. So far as prayer for interim bail is concerned, he has prayed for the same on the

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ground that he is suffering from spine pain and numbness of legs and has not been properly treated. He has placed on record MRI scan report which shows that diffuse disc bulge at L3-L4, L-4-L5 and L5-S1 with nerve compromise. However, as per the report submitted by the jail doctor which is annexed with the reply dated 27.11.2025, the petitioner has been provided symptomatic treatment as advised by Rajindra Hospital, Patiala and the same is provided to him from the jail hospital. As such, this Court finds that no ground has been made out for release of the petitioner on interim bail also. Accordingly, the application as well as the main petition are dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

23.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No