

2025:PHHC:040143



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

228

CRM-M-59772-2024 (O&M)
Date of decision: 25.03.2025

Charanjit Singh @ Charna**...Petitioner**

Versus

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

Present:- Mr. Mohit Kakkar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 72 dated 03.05.2024, registered under Sections 22C, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Special Task Force, District STF Wing, Sri Muktsar Sahib.

2. Brief facts of the case relevant for the disposal of the present petition are that on 03.05.2024, the petitioner along with co-accused Gursevak Singh @ Sevak, while coming in a car bearing registration number DL-5-CF-2284, was apprehended by the police party and recovery of 8000 intoxicant tablets of Tramadol Hydrochloride was effected from them. Since the petitioner and co-accused could not produce any licence or permit to keep in their possession the recovered tablets, they were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was

2025:PHHC:040143



presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 08.11.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner and co-accused, was planted upon them. Mandatory provisions of Section 50 of the NDPS Act were not complied with. No independent witness was joined at the time of effecting alleged recovery. The story put forth by the police party is concocted one. Even otherwise, investigation has since been completed and *challan* has been presented. The trial is likely to take a long time. The petitioner is in custody since 03.05.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled for grant of bail as he along with above named co-accused was apprehended by the police party at the spot on 03.05.2024 and a huge quantity of intoxicant tablets was recovered from them. Since the quantity of the contraband falls under commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. During the course of recovery and further investigation, proper procedure as prescribed under the law was followed. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences.

2025:PHHC:040143



It is, thus, argued 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.

6. As per the allegations, the petitioner along with co-accused was apprehended by the police party on 03.05.2024 and recovery of 8000 intoxicant tablets of Tramadol Hydrochloride was effected from them. The quantity of the contraband obviously falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner as there is nothing on record to believe that the petitioner did not commit the subject crime or would not commit similar offence, in case he is released on bail. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. The apprehension expressed by learned Assistant Advocate General, Punjab that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. A perusal of the status report reveals that on the disclosure statements suffered by the petitioner and co-accused Gursevak Singh @ Sevak, one Satpal Singh @ Satta was nominated in this case and recovery of 15000 tablets of Tramadol Hydrochloride along with drug money of Rs. 1 Laksh and one car make Verna have been effected from him. All this goes to show that the petitioner along with

2025:PHHC:040143



co-accused was involved in trafficking of intoxicant tablets at a huge level. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

25.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No