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

225

CRM-M-61105-2024 (O&M)
Date of decision: 30.01.2025

Gurmail Singh @ Geli**...Petitioner**

Versus

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

Present:- Mr. Sukhdeep Singh Bhinder, 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. 154 dated 19.09.2023, registered under Sections 22, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Barnala, District Barnala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 19.09.2023, the petitioner was apprehended by a police party headed by SI Sharif Khan and recovery of 950 intoxicant tablets (Alprazolam) was effected from him. The petitioner was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in the Court and presently,

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the petitioner is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 18.10.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was not present at the spot disclosed in the FIR and no recovery of contraband was effected from him. Rather, the contraband allegedly recovered from the petitioner was planted upon him. The petitioner is not involved in any other case under the NDPS Act. Investigation has since been completed and challan has been presented. Conclusion of trial is likely to take time. The petitioner is custody since 19.09.2023. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General has argued that the petitioner is not entitled to get benefit of bail as commercial quantity of the contraband was recovered from him. He was nabbed at the spot. His story regarding false implication and plantation of the recovered contraband is concocted one. FSL report has been received, as per which, *Alprazolam* salt has been found in the recovered intoxicant tablets and the total weight of the tablets was found to be 116.85 grams, which falls under commercial quantity. It is further argued that since the recovery of the contraband effected from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against him and he is not entitled to get benefit of bail. The trial may be expedited. It is also argued

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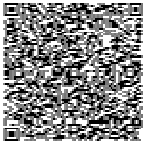


that if the petitioner is released on bail, he can abscond or indulge in similar offences as he is involved in one more case under the NDPS Act. Hence, it is urged that the petition is liable to be dismissed.

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 was apprehended by the police party and recovery of 950 loose intoxicant tablets was effected from him. As per FSL report, the salt of the recovered tablets was found to be 'Alprazolam' and the total weight of the same was 116.85 grams, which falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. A perusal of the status report reveals that the petitioner is involved in one more case under the NDPS Act. However, the petitioner has taken a plea that he is not involved in any other case under the NDPS Act. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may indulge in similar offences again cannot be stated to be unfounded keeping in view his criminal antecedents. There are serious and specific allegations against the petitioner. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. Keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from the petitioner, his criminal antecedents, 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 concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

30.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No