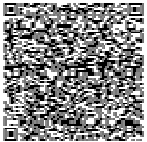


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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

213

CRM-M-64126-2024 (O&M)
Date of decision: 02.08.2025

Ankit		...Petitioner
	Versus	
State of U.T., Chandigarh		...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

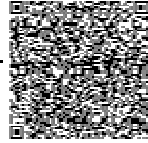
Present:- Mr. Vivek Kathuria, Advocate
for the petitioner.

Mr. Manish Bansal, PP, U.T, Chandigarh.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in FIR No. 0132 dated 09.11.2023, registered under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station East Sector 26, Chandigarh. The previous petition, bearing number **CRM-M-54637-2024**, was dismissed as withdrawn on 08.11.2024.
2. Brief facts of the case relevant for the disposal of the present petition are that on 09.11.2023, the petitioner while coming in a car bearing registration number CH-01-CN-5339 along with co-accused Manish, Monu and Rohan was apprehended by a police party headed by SI Baljit Singh and recovery of 02 kgs. 104 grams of Charas was effected from them. They were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the

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petitioner along with the co-accused is facing trial for commission of aforementioned offences.

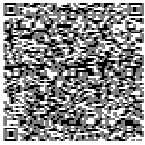
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Mandatory provisions of the NDPS Act were not complied with. No independent witness was joined. The petitioner was neither the driver nor the owner of the said car. He is not involved in any other case under the NDPS Act. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 09.11.2023. 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 released on regular bail.

4. Status report has been filed by the respondent-U.T., Chandigarh. Learned Public Prosecutor, Chandigarh has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Trial may be expedited. 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. The petitioner along with above named three co-accused was apprehended by the police party on 09.11.2023 and recovery of 02 kgs. 104 grams of Charas was effected from them. The said quantity of the contraband obviously falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with regard to non-

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compliance of the statutory provisions of NDPS the 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. The apprehension expressed by learned Public Prosecutor that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. 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.

02.08.2025

Wasim Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No