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

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CRM-M-65306-2024 (O&M)
Date of decision : 25.02.2025

Jatinder Lal @ Jatinder @ Rinka**...Petitioner**

Versus

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

Present:- Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 133 dated 30.06.2024, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dasuya, Hoshiarpur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 30.06.2024, the petitioner was apprehended by a police party headed by ASI Pawan Kumar and recovery of 62 grams of intoxicant powder (Alprazolam) was effected from him. Since he could not produce any permit or licence to keep in his possessions the said intoxicant powder, he was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforesaid offence. He had moved an application before the trial Court for grant of regular bail

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but the same had been dismissed, vide order dated 22.11.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. There is nothing on record to connect the petitioner with the subject crime. He is suffering from 80% disability. Even otherwise, mandatory provisions of Section 50 of the NDPS Act were not complied with properly. The quantity of the contraband allegedly recovered from the petitioner does not fall under the commercial quantity. It is further argued that the investigation has since been completed and *challan* has been presented. The petitioner is in custody since 30.06.2024. Conclusion of trial is likely to take time. No useful purpose would be served by keeping the petitioner 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. Short reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner was nabbed at the spot and recovery of 62 grams of intoxicant powder of Alprazolam was effected from him. He is involved in one more case of similar nature. The trial is going on at a proper pace. 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 on 30.06.2024 and recovery of 62 grams of intoxicant powder of Alprazolam was effected from him. The quantity of the said contraband obviously does not fall within the ambit of commercial quantity. He is stated

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to be involved in one more case bearing FIR No. 172 dated 17.10.2022. However, he has been granted concession of regular bail in that case by this Court, vide order 14.02.2025 passed in CRM-M-64678-2024. The petitioner is in custody since 30.06.2024. He claims to be physically disabled by 80%. Investigation has since been concluded and challan has been presented. Trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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.

25.02.2025
Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No