



**239 IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

CRM-M-66312-2025

Date of Decision: 02.12.2025

Davinder Singh @ Sabi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (ORAL)

Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.64 dated 25.04.2025, under Section 22 of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Dasuya District Hoshiarpur.

2. Brief facts of the prosecution case are that the petitioner was apprehended on 25.04.2025 by the police party and 16.96 grams of Alprazolam was recovered from his possession. After completion of investigation, Final Report was presented on 31.10.2025.

4. I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

5. Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case. The quantity of the recovered contraband was within intermediate quantity and as such, rigour of Section 37 of the NDPS Act are not attracted. Petitioner is in custody since 25.04.2025. Learned counsel



next contended that final report/challan has already been presented after completion of investigation and the trial is likely to take a long time to conclude and further detention of the petitioner is not required and he may be released on bail.

6. On the other hand, learned State Counsel has opposed the bail and argued that in view of the gravity of the offence, petitioner does not deserve the concession of bail particularly because two more cases under NDPS Act are pending against him and he is a habitual offender.

7. Petitioner is in custody since 25.04.2025. The quantity recovered from the petitioner is non-commercial in nature. Challan has already been presented after completion of investigation. Trial is likely to take a long time to conclude and further detention of the petitioner is thus not required and he deserves to be released on bail. Pendency of two more cases under the NDPS Act in which petitioner is on bail, is no ground to decline bail in view of law laid down by Hon'ble Supreme Court in *Prabhakar Tewari vs State of U.P.* in *Crl. Appeal No.153 of 2020 (Decided on 24.01.2020)*.

8. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

02.12 2025
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(YASHVIR SINGH RATHOR)
JUDGE

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