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

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CRM-M-4443-2026 (O&M)
Date of decision: 29.04.2026

Nitish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Prachi Gupta, Advocate and
Mr. Rishabh Singla, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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 for grant of regular bail to him in case bearing FIR No. 0069 dated 17.04.2025, registered under Sections 22, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Khanna, District Khanna. His previous petition was dismissed as withdrawn on 30.10.2025.

2. Brief facts of the case relevant for the disposal of the present petition are that on 17.04.2025, the petitioner was apprehended by a police party and recovery of 437 intoxicant tablets of *Lomotil* and 100 intoxicant tablets of *Phenotil* along with drug money of Rs.1,02,000/- was effected from him. Since he could not produce any valid license or permit to keep in his possession the

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recovered drugs, he was formally arrested at the spot. At the instance of the petitioner, another recovery of 480 tablets of Lomotil was effected from his house. During investigation, it also surfaced that one Lovepreet Singh was also involved with the present petitioner in sale/purchase of contraband. As per FSL report, Diphenoxylate Hydrochloride and Atropine Sulphate were found in the recovered tablets. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence. Co-accused Lovepreet Singh is still at large.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner, was planted by the police officials. No independent witness was joined at the time of effecting alleged recovery from the petitioner. The story put forth by the police party is concocted one. Mandatory provisions of the NDPS Act were not complied with properly. Even otherwise, the quantity of the recovered contraband is marginally higher than the commercial quantity. Investigation has since been completed and challan has been presented. The trial is likely to take a long time as no prosecution witness has been examined so far. The petitioner has been in custody since long. 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 and the custody certificate of the petitioner have been filed by respondent No. 1-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, his criminal antecedents as well as the fact that commercial quantity of the contraband along

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with huge amount of drug money has been recovered from him, he is not entitled to get benefit of bail as the rigors of Section 37 of the NDPS Act would be attracted against him. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the allegations, the petitioner was apprehended by the police party on 17.04.2025 and recovery of total 1017 intoxicant tablets along with drug money of Rs.1,02,000/- was effected from him. The quantity of the recovered contraband admittedly falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. Nothing has been brought on record by the petitioner to show that he did not commit the subject offences or in case he is released on bail, he would not indulge in criminal activities. Hence, the twin conditions of Section 37 of the NDPS Act remain unsatisfied. 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. The apprehension expressed by learned State counsel 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, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of

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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.

29.04.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>