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CRM-M-5273-2026

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2026.04.30.17.02



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5273-2026

Date of decision: 29.04.2026

SUDARSHAN

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Khsitiz Goel, Advocate for the petitioner.

Ms. Aiman J. Chisti, AAG Punjab.

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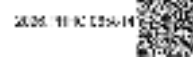
RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.53 dated 28.05.2025 registered under Section 22 of NDPS Act (Section 29 of the NDPS Act added later on and Section 212 of BNS, 2023 added later on but not added in challan) at Police Station Shambu, District Patiala.

2. Brief facts of the case of prosecution are that on 28.05.2026 police party had laid a naka and upon suspicion apprehended the petitioner, who was found in conscious possession of 50040 intoxicant tablets containing Lomotil. Hence the present FIR.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He submits that the petitioner is a person with 40% bodily disability as certified by the competent government authority. He submits that the alleged recovery as shown is planted and

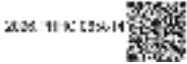
fabricated one. He submits that the petitioner had valid licence and was



carrying the bill of the alleged contraband. No recovery is to be effected from him. He further submits that the petitioner has clean antecedents and is not involved in any other criminal case. It is also submitted that the petitioner has been in custody for the last nearly 11 months, and the conclusion of the trial is likely to take considerable time. Therefore, he prays that the present petition be allowed.

4. Learned State counsel has filed custody certificate and status report in the matter, which are taken on record. She submits that the petitioner was apprehended and was found in conscious possession of 50040 intoxicant tablets of Lomotil, which is a substantial recovery. She further submits that the allegations against the petitioner are serious in nature and attract the rigours of the NDPS Act. It is contended that the recovery cannot be termed as planted at this stage, and the veracity of such a defence can only be examined during trial. Learned State counsel further submits that in his disclosure statement he has admitted that the recovered contraband was to be supplied to one Karamjit Singh, hence, considering the gravity of the offence and the manner of recovery, there exists a strong prima facie case against the petitioner. It is also argued that if released on bail, the petitioner may abscond. Therefore, in view of the seriousness of the allegations and the larger public interest, she prays for dismissal of the present petition.

5. I have heard learned counsel for the parties and perused the material available on record. In the present case, the petitioner was apprehended and found in conscious possession of 50040 intoxicant tablets containing Lomotil, which constitutes a substantial recovery. The allegations against the petitioner are serious in nature. At this stage, the plea of false



implication cannot be gone into in detail, as the same would be a matter of trial. The disclosure statement of the petitioner further indicates his involvement in the supply chain of contraband substances. This Court cannot lose sight of the fact that the country has been grappling with a grave and pervasive drug menace, which has had devastating effects on the social fabric, particularly the youth. Offences under the NDPS Act are, therefore, required to be dealt with a firm hand. The petitioner is seeking bail mainly on the ground of his prolonged custody. It is trite law that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made by the Hon'ble Supreme Court in *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav*, 2004 AIR(SC) 1866, *Chenna Boyanna Krishna Yadav v. State of Maharashtra*, (2007) 1 SCC 242 and *State through CBI v. Amaramani Tripathi*, 2005 (4) RCR (Criminal) 280(SC).

6. Consequently, keeping in view the recovery effected from the petitioner, the gravity of the offence, the custody period undergone by him, and the larger societal interest, this Court does not find it to be a fit case for grant of bail. Accordingly, the present petition is dismissed.

(RUPINDERJIT CHAHAL)
JUDGE

29.04.2026
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No