

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-16530-2024
Date of Decision: 12.03.2026

ARYADEB GHOSH

Versus

..... Petitioner

NARCOTICS CONTROL BUREAU

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

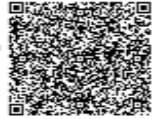
Present Mr. Anand Grover, Senior Advocate with
 Ms. Tripti Tandon, Advocate and
 Mr. Kanwal Goyal, Advocate for the petitioner.

 Mr. H.S. Sullar, Special Public Prosecutor for NCB and
 Mr. Tajeshwar Singh Sullar, Central Govt. Counsel for Union of India.

ANOOP CHITKARA, J. (ORAL)

REGULAR BAIL UNDER SECTION			439 CrPC
Crime No.	Date	Police Station	Sections
File No. VIII/31/DZU/2023 later on registered as case No. NDPS-62/2023	11.07.2023	District Palwal	8, 22, 23, 29 of NDPS Act

1. The petitioner, incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC seeking regular bail.
2. The petitioner, who was in custody for possessing a commercial quantity of LSD, was granted interim bail by the co-ordinate Bench of this Court vide order dated 24.04.2024. While granting the said interim bail, although there is silence about adhering to Section 27-A of the NDPS Act, there is always a presumption that the Hon’ble Judge would have drawn such a reference to Section 37 of the NDPS Act. After that, the respondent filed no application to recall the order dated 24.04.2024, and to date, there is no allegation of misuse of said order.
3. Mr. Anand Grover, senior counsel for the petitioner, submits that the United Nations’ Manual and the NCB Manual about the contraband (LSD) are similar in that the container is not to be counted as part of the weight of the LSD. He further submits that if the LSD is kept on the blotting paper, then even if it is the smallest piece of blotting paper, considering the lower limit of LSD, which itself is a commercial quantity, there will be no intermediate and small quantity, and the quantity itself will start with commercial. He further submits that this



could not have been the intention of the amendment, which came into effect on 19.10.2001, introducing notification order Sections 2 (viiia) and 2 (xiiia) in the NDPS Act, thereby enforcing three categories, i.e., small, intermediate, and commercial. He further submits that if the quantity starts from commercial, i.e., violative of the legislative intention of giving some relief to the drug consumers and retailers, and of differentiating from the commercial Traders, i.e., mafias, where the minimum sentence is 10 years, whereas, in case of intermediate quantity, the maximum sentence can be 10 years. He further submits that in the United States of America, earlier the law settled by some courts was that the blotting paper would be part of the drug, but later on, by an amendment provision, the weight of blotting paper was removed, and only LSD is to be counted for the purpose of quantity.

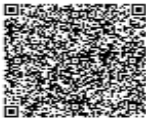
4. Ld. Senior counsel for the petitioner prayed for making the interim order absolute and made the following undertakings on behalf of the petitioner (i) the petitioner shall not indulge in any drug trade; (ii) In case, he is found involved in drug trade where the quantity involved is more than 50% of the intermediate or it violates Sections 19, 24 and 27-A of NDPS Act, then he has no objection if this bail is cancelled. (iii) Additionally, if he indulges in any of the offences where the sentence prescribed is more than 07 years, he shall have no objection if this bail is recalled, and further, (iv) the petitioner shall appear on each and every date.

5. Ld. Counsel appearing for NCB vehemently opposes the bail and submits that the conditions stipulated under Section 37 of the NDPS Act have not been satisfied. He further submits that the quantity is commercial, and this Court should not grant bail because, if it is granted, other accused persons might claim parity.

6. Be that as it may, this Court is not in trial, and if any opinion is given on the quantity with blotting paper, it would adversely prejudice the respondent. No doubt the respondent has a right to oppose the confirmation of bail. This Court is refraining from making an observation on the quantity included coupled with the weight of blotting paper, as such an observation would adversely prejudice the respondent. It is for the respondent to lead evidence on the aspect of quantity with blotting paper and address the trial court, which is competent to answer such a question when finally deciding the trial.

7. Ld. Counsel for the State submits that the revision petition filed by the petitioner against the order dismissing the discharge application is pending before this Court; in view of the observations, the same be disposed of.

8. On this, counsel for the petitioner submits that he is making a statement to withdraw that petition and prays that the Registry be directed to list the same, and considering my statement, a formal order be passed of withdrawal of said petition.



9. Given the statement of petitioner’s counsel, Registry to list the Criminal Revision Petition No. 366 of 2026 before this Court immediately, along with a copy of this order, to enable the Court to pass a formal order of withdrawal of the said petition.
10. Given above, the present petition stands disposed of by making the interim order absolute for the reasons that there is no allegation of violating any term or condition of the interim order.
11. It is clarified that in case the petitioner violates any of the bail conditions, then the respondent/NCB shall be at liberty to file an application for cancellation of bail before the trial Court, and the trial Court shall be eligible and competent to cancel the bail granted by this Court. It is further clarified that other accused shall not be entitled to bail on parity with the present petitioner, and it shall not be treated as a precedent for other accused. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.03.2026
Jyoti-II

Whether speaking/reasoned	Yes
Whether Reportable	No