

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13692-2026
Date of Decision: 05.05.2026

Gurpartap Singh @ Kali

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vikramjeet Singh, Advocate,
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of petitioner	FIR No.	Date	Section(s)	Police Station	District
Gurpartap Singh @ Kali	181	31.07.2025	22 of NDPS Act	Talwandi Sabo	Bathinda

2. As per the case of the prosecution, one Baljeet Singh, along with petitioner-Gurpartap Singh alias Kali, was apprehended by the members of police party while they were together. A joint notice under Section 50 of NDPS Act was served upon both the accused, informing them that police officials suspected the presence of narcotic substances in a heavy transparent plastic envelope in their possession.

Upon conducting search of the said plastic envelope, which was

in the possession of co-accused Baljeet Singh, intoxicating tablets namely NRx Etizolam Tablets I.P. 0.5 mg (Etioz-0.5), were recovered. On counting, total four strips were found, each containing 10 tablets, amounting to 40 tablets in total. The recovered tablets were found to contain Etizolam, with a total weight of 7.920 grams.

3. Learned counsel for the petitioner places reliance upon the judgment dated 26.02.2026 passed by this Court, in CRM-M-54885-2025 titled “Kuldeep Singh alias Keepa vs. State of Punjab” and other connected cases, wherein a comparative analysis of two salts, namely Etizolam and Alprazolam, has been undertaken.

For reference, relevant paragraph No.13 of the said judgment is reproduced here below:-

“13. With regard to the prayer for grant of bail to the petitioners, namely Kuldeep Singh @ Keepa, from whom 60 tablets of Etizolam were allegedly recovered, and Balveer Singh @ Beera, from whom 30 tablets of Etizolam were allegedly recovered, it is pertinent to note that this Court, vide order dated 10.12.2025, passed in CRM-M-22148-2025 titled as “Amit Kumar vs. State of Punjab”, while granting bail to the accused therein, considered the issue relating to different salts, namely etizolam and alprazolam.

The relevant portion of paragraph No.6 of the said order is reproduced here below:—

“Concerning the salt of Etizolam, this Court has also dealt with the matter in CRM-M-12950-2025 (order dated 16.07.2025), wherein it was noticed as under:

“3. Learned counsel for the petitioner contends that although the quantity of Etizolam recovered from the petitioner falls under the category of commercial quantity, the recovered quantity of Heroin falls under the category of small quantity.

Learned counsel for the petitioner has produced a copy of the order dated 09.07.2025 passed in CRMM-24404-2025 and submits that the co-ordinate Bench of this Court concluded that the salts Alprazolam and Etizolam are prescribed for similar ailments and differ only slightly in potency. It was further observed that the commercial quantity notified by the Central Government for Etizolam (2.5 grams) is, in fact, less than the small quantity prescribed for Alprazolam (5 grams), and there is no data suggesting that Etizolam is 40 times more potent than Alprazolam. Copy of order dated 09.07.2025 is taken on record. The relevant excerpt of the said order is reproduced

herebelow:

“4. He further contends that the Central Government vide notification bearing No. S.O.1276(E) dated 23.03.2021, Etizolam was brought under the ambit of the NDPS Act. It was specified that 0.05g would constitute to be small quantity while 2.5g would be the commercial quantity in this regard. However, a perusal of the Pre-Review Report presented on Etizolam by the World Health Organisation’s Expert Committee on Drug Dependence, at its 37th Meeting (16-20 November, 2015), would indicate that Etizolam is comparable to Alprazolam in its nature and effects, both being derivatives of benzodiazepine. Based on its chemical structure, it is also unlikely to convert Etizolam into a different controlled substance. In fact, the report concludes that nature of possible abuse of Etizolam does not warrant international control. Moreover, there is also a scarcity of empirical data concluding overdose of Etizolam can result in death. While two doses of 0.5mg Etizolam per day would have the same impact as two doses of 0.5mg Alprazolam, the huge difference in the notified commercial quantities for the same is rather curious

Controlled Substance	Small Quantity	Commercial Quantity
Alprazolam	5g	100g
Etizolam	0.05g	2.5g

5. In spite of the fact that both the notified substances are prescribed to cure the same ailments and have a similar effect, with minor difference in potency, the commercial quantity notified by the Central Government for Etizolam (2.5g) is even lesser than small quantity prescribed for Alprazolam (5 g). There is no data to even remotely suggest that the potency of Etizolam is 40 times that of Alprazolam

6. With that in view, a study of Section 22 of the NDPS Act is called for-

22. Punishment for contravention in relation to psychotropic substances.—

Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any psychotropic substance shall be punishable,--

(a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both;

(b) where the contravention involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to ten years, and with fine.

(c) where the contravention involves commercial

quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years, and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

The mandatory minimum punishment for cases involving commercial quantities is 10 years, which may be extended to 20 years. In view of the nature of Etizolam, such stringent punishment does not satisfy the test of proportionality. The impact of Etizolam and the meagre amount of commercial quantity i.e. 2.5g notified by the Central Government does not align with the gravity of the offence alleged.”

Counsel submits that in the cited case, there was a recovery of 2.76 grams of Etizolam, and considering the custody period of 9 months already undergone, the petitioner in that case was granted the concession of bail. Relying on the strength of the aforesaid bail order, Mr. P.S. Sekhon, learned counsel for the petitioner, prays for grant of bail, submitting that the petitioner has been in custody for nearly two years (i.e., one year, eleven months, and sixteen days).”

Thus, counsel prays for grant of regular bail to the petitioner in the present case.

4. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 05.05.2026 in Court today, which is taken on record. Office to tag the same at appropriate place.

As per the custody certificate, in the present case, petitioner has already undergone 09 months and 03 days period inside jail.

5. Learned State counsel, while opposing the prayer and submissions advanced by learned counsel for the petitioner, submits that recovered quantity of narcotic tablets contains the salt Etizolam and falls within the commercial category, being almost three times the threshold for commercial quantity. In view of the seriousness of the offence, it is contended that petitioner does not deserve any leniency in the matter of

grant of bail. Thus, learned State counsel prays for dismissal of the present petition.

6. On being asked by the Court, learned State counsel submits that challan has already been submitted in the present case. However, out of total 10 prosecution witnesses, none has been examined, till date.

7. This Court has heard the submissions addressed by counsel for the parties and has also gone through the record available before it.

8. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed here above, including the total incarceration period undergone by the petitioner and stage of trial, this Court deems it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. It is further made clear that if, in future, petitioner is directly



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found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

05.05.2026
SN

(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No