



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-18095-2026
Decided on : 09.04.2026

Bhupinder Kumar @ Bhinda

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Anamika Sharma, Advocate
for the petitioner(s).

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Bhupinder Kumar @ Bhinda	90	10.06.2025	21/22 of NDPS Act, 1985	Mahhilpur	Hoshiarpur

2. As per the allegations, petitioner was arrested on 10.06.2025 while allegedly being in conscious possession of 110 grams of intoxicant substance, 05 grams of heroin, and Rs. 5,500/- stated to be drug money. As per report of the FSL, the recovered 110 grams of intoxicant substance has been found to contain the salt ‘Alprazolam’, which falls within the category of commercial quantity.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. It is submitted



that petitioner is inside the jail for a period of about more than 09 months and trial is still at an initial stage, and thus, is not likely to conclude in the near future.

It is further submitted that the mandatory provisions as envisaged under the NDPS Act have not been complied with. The recovery attributed to the petitioner includes 05 grams of heroin, which falls within the ambit of non-commercial quantity, and 110 grams of intoxicant powder containing the salt 'Alprazolam', which is stated to be marginally above the commercial quantity.

It is further contended that apart from the present case, there is one more case against the petitioner, i.e., FIR No. 132 dated 16.07.2022 under Section 22 of the NDPS Act, 1985, registered at Police Station Mahilpur, District Hoshiarpur. In the said case, though petitioner has been implicated after his arrest in the present case, but he is already on bail in that case. Thus, learned counsel submits that the petitioner, being a first-time offender, deserves a sympathetic view and prays for grant of concession of regular bail.

4. *Per contra*, learned State counsel, while opposing the prayer for bail, submits that petitioner was apprehended while being in conscious possession of contraband falling within the ambit of commercial quantity and, therefore, rigours of Section 37 of the NDPS Act are attracted. He further submits that keeping in view the nature and gravity of the offence, the petitioner does not deserve the concession of regular bail.

However, on instructions, learned State counsel does not dispute the fact that the petitioner is inside the jail for about 09 months and that none



of the prosecution witnesses has been examined so far. Besides, other factual assertions as noticed here-above have not been disputed by learned State counsel.

5. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court is mindful of the fact that the recovery attributed to the petitioner includes contraband which is stated to fall within the category of commercial quantity and, therefore, rigours of Section 37 of the NDPS Act are required to be kept in view.

At the same time, it is a matter of record that the petitioner is inside the jail for a period of about 09 months and the trial is still at an initial stage. Out of the total cited prosecution witnesses, none has been examined so far and thus, conclusion of trial is likely to take considerable time.

It is also not disputed that petitioner is on bail in the other case registered against him. A perusal of the record further reveals that the said case has been registered after the arrest of the petitioner in the present case. Thus, at this stage, same cannot be taken as indicative of any prior criminal antecedents so as to disentitle the petitioner from seeking the concession of bail in the present case.

6. Therefore, without commenting on the merits of the case and considering the period of custody already undergone; stage of trial; and overall facts and circumstances of the case, this Court is of the considered opinion that the bar contained under Section 37 of the NDPS Act would not come in the way of grant of bail to the petitioner at this stage.

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.

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

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 09, 2026

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No