



216 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17589-2025
Decided on : 13.01.2026

Varinderpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Pawan Kumar, Advocate for
 Mr. Rajeev K. Kapila, Advocate
 for the petitioner.

Mr. Vinay Malhotra, DAG Punjab.

SANJAY VASHISTH, J. (ORAL)

1. Petitioner- Varinderpal Singh, aged 31 years, has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No.130 dated 11.07.2023, registered under Section 22 and 29 of NDPS Act, added later on, at Police Station Dasuya District Hoshiarpur.

2. As per allegations in FIR, one person was noticed by the members of the police team coming on the Bullet motorcycle bearing No.PB-35-Q-6570, who on seeing the police party trying to turn back consciously. After being intercepted and then apprehended, rider of the motorcycle disclosed his name as Virenderpal Singh and during the process of inquiry from him, a black colour heavy weight polythene was taken out by him from the right side pocket of capri worn by him and then threw it on the road side. On being asked by the members of the police team, he replied that he has full faith in



them and thus, became ready to be searched as well as search of the polythene bag thrown by him. From the said polythene bag, which had already been thrown by the petitioner, 105 grams of alprazolam powder was found in it.

3. Learned counsel for the petitioner argues that the recovered intoxicating powder is only 05 grams more than the maximum of non-commercial quantity, therefore, it would be moot question before the Trial Court as to whether the recovered contraband was weighed along with the polythene bag or separately and if it is found that the weight of contraband i.e. 105 grams is along with the polythene bag, reducing the weight of the polythene, which may materially affect the final decision at the time of awarding of sentence, in case, the guilt is found to be proved against the petitioner. Learned counsel further submits that earlier also petitioner was involved in two other cases and one of those cases was under NDPS Act i.e. FIR No.187 dated 22.12.2020 under Sections 22, 61 and 85 of NDPS Act registered at Police Station Mukerian, District Hoshiarpur and he was convicted and sentenced as well. However, there being non-commercial quantity, he has already been released from jail on 19.11.2025 after completion of sentence in lieu of fine. Thus, learned counsel for the petitioner prays for grant of regular bail.

4. On the other hand, learned State counsel has already filed the status report and the same is taken on record. He submits that petitioner seems to be a habitual offender as it is second case against him under NDPS Act and that too after getting involved and convicted in the case FIR No.187 dated 22.12.2020 (supra). Thus, he does not deserve any concession of regular bail



in the present case.

5. I have considered the contentions made by learned counsel for the parties and perused the relevant material available on record.

6. Undoubtedly, the quantity recovered is only 5 grams more than the maximum of non-commercial quantity. Whether the actual weight is marginally more than 100 grams or it is within the range of 100 grams can be seen during the course of trial, if so projected, before the Court below at the time of relevant stage. In another case i.e. FIR No.187 dated 22.12.2020 registered at Police Station Mukerian, as mentioned in the custody certificate, petitioner has already completed his sentence and therefore, now there is no case pending against him under the NDPS Act.

7. On being asked by the Court, it is submitted by the learned State counsel that out of total 13 prosecution witnesses only 04 have been examined till date. The petitioner is inside jail for the last more than a period of 01 year and 08 months, thus, considering, the circumstances including the recovered quantity of contraband and that the petitioner has suffered incarceration for more than 01 year, 08 months and 03 days, this Court deems it appropriate to consider the plea of bail of the petitioner.

8. 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/Illaq 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. 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.

11. 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. Case.

Petition stands disposed of.

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

January 13, 2026
sonia

(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO