



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

210 CRM-M-16301-2026.
Date of Decision: 01.04.2026.

PreetiPetitioner.
State of Punjab VERSUSRespondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Harnaaz Kaur Hundal, Advocate for the petitioner.
Mr. Vinay Malhotra, Deputy Advocate General, Punjab.

SANJAY VASHISTH, J. (Oral)

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	FIR No.	Date	Section(s)	Police Station	District
Preeti	44	26.02.2025	22 & 29 of NDPS Act, 1985	Phillaur	Jalandhar Rural

2. The case of the prosecution is that on 26.02.2025, a police party led by Investigating Officer L/ASI Amandeep Kaur apprehended the petitioner along with co-accused namely Monika, Jyoti and Dharminder. From the search of the polybag carried by accused Jyoti, 02 strips containing 15 tablets each and one strip containing 10 tablets labelled as Etizolam were recovered. From the search of the polybag carried by accused Dharminder,

02 strips containing 15 tablets each labelled as Etizolam and 04 strips containing 10 tablets each labelled as Tramadol and one strip containing 09 tablets of Tramadol were recovered. From the search of the polybag carried by petitioner-Preeti, 02 strips containing 15 tablets each and one strip containing 10 tablets labelled as Etizolam were recovered. Similarly, from the search of the polybag carried by accused Monika, 02 strips containing 15 tablets each and one strip containing 10 tablets labelled as Etizolam were recovered. All the above accused were arrested and after completing the necessary formalities, the present FIR was registered.

3. Learned counsel for the petitioner contends that petitioner is aged 34 years and is never found involved in any other similar activity punishable under the NDPS Act in the past. It is further submitted that petitioner is in custody since 26.02.2025, i.e., for a period of about 01 year and 01 month, and out of the total 14 prosecution witnesses cited, none has been examined so far.

It is further submitted that the recovery effected from the petitioner is 40 loose intoxicant tablets containing the salt 'Etizolam', and the average weight of each tablet is 92 mg. Thus, the total weight comes to 3.68 grams (92 mg × 40 tablets). Since the notified commercial quantity of Etizolam is 2.5 grams, the recovered quantity is only marginally above the said limit, i.e., by 1.18 grams.

Learned counsel submits that keeping in view the facts and circumstances of the case, the age of the petitioner, her clean antecedents, the period of custody already undergone, and also the fact that petitioner is a woman with no past criminal record, she deserves the concession of regular bail.

Learned counsel for the petitioner submits that co-accused namely Monika and Jyoti have been granted concession of regular bail by this Court vide order dated **10.03.2026**, passed in CRM-M-48748-2025, titled as “Monika vs. State of Punjab” and CRM-M-71314-2025, titled as “Jyoti vs. State of Punjab” (Annexure P-2).

Accordingly, on the ground of parity, it is prayed that the petitioner also deserves to be extended the same benefit of regular bail.

4. *Per contra*, learned State counsel opposes the prayer for bail by submitting that the quantity of Etizolam recovered in the present case falls within the category of commercial quantity and therefore, the petitioner is not entitled to the concession of bail.

Custody certificate dated 31.03.2026 has been filed in Court today, which is taken on record. Office to tag the same at the appropriate place. A copy thereof has been supplied to learned counsel for the petitioner.

As per the said custody certificate, petitioner has undergone an actual period of incarceration of 01 year, 01 month and 02 days as on 31.03.2026.

5. I have considered the submissions addressed by learned counsel for the parties and also perused the relevant record.

6. It is noticed that the petitioner is aged about 34 years and is not found involved in any other case of a similar nature. Being first-time offender, she deserves to be afforded at least one opportunity to reform and reintegrate into society.

It is also noteworthy that the petitioner is in custody since 26.02.2025, i.e., for a period of more than 01 year and 01 month, and out of the 14 prosecution witnesses cited, none has been examined so far.

7. Besides, considering the fact that petitioner is woman, reference may also be made to Section 480(1) of the BNSS, 2023, which reflects the legislative intent that a person who is a child, woman, sick or infirm should not ordinarily be kept in custody for an indefinite long period.

8. Otherwise also, this Court vide order dated **10.12.2025**, passed by this Court in **CRM-M-22148-2025**, titled as **“Amit Kumar v. State of Punjab”**, wherein, while granting bail to the accused – Amit Kumar, this Court took into consideration the issue relating to different salts, namely Etizolam and Pregabalin.

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 CRM-M-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 2[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).”

9. In view of the aforesaid facts and circumstances, particularly the age and antecedents of the petitioner, the period of incarceration already undergone by her, the fact that the recovered quantity is only marginally above the notified commercial quantity, and also the fact that none of the prosecution witnesses has been examined so far, this Court is of the considered opinion that the petitioner deserves the concession of regular bail. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

Consequently, the present petition is **allowed**. Petitioner– Preeti is ordered to be released on regular bail, subject to her 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.

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

11. 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.

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

13. **Petition stands disposed of accordingly.**

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

(SANJAY VASHISTH)
JUDGE

01.04.2026
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No