



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-16655-2026
Decided on : 02.04.2026

Dharampal . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Hitesh Chopra, Advocate and
Mr. Amit Kumar, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant second 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
Dharampal	23	27.02.2025	22, 27-A, 29, 61, 85 of NDPS Act, 1985 and 111 of BNS, 2023	City Batala	Gurdaspur

2. The first bail petition filed by the petitioner, i.e., CRM-M-21089-2025, was disposed of by this Court vide order dated 09.03.2026 (Annexure P-7), with liberty to the petitioner to file a fresh petition after providing complete particulars of the other cases faced by him.

3. As per the allegations, the petitioner was apprehended by the police party while he was carrying a transparent polythene envelope in his right hand containing loose green-coloured tablets. Upon search of the said



envelope, a total of 110 tablets were recovered. On chemical examination, the presence of Diazepam salt was detected. The content of Diazepam was found to be 85 mg per tablet, i.e., 85 mg × 110 tablets = 9350 mg, equivalent to 9.35 grams in total.

It is not in dispute that the said quantity is less than the commercial quantity prescribed under the NDPS Act and falls within the non-commercial category.

4. With regard to the other cases, learned counsel for the petitioner has referred to paragraph No.19 of the petition, wherein it is stated that the petitioner has been convicted in four cases, is on bail in two cases, and has been acquitted in one case.

For clarity, paragraph No.19 of the main petition is reproduced here-under:-

“19. That in compliance of item No.66 of New Objection Check List of Criminal Cases/FIR published by the Hon’ble High Court, the requisite information : **YES**.

a. That the petitioner was convicted on 4 cases in that the details are attached herewith as **ANNEXURE P-4** that the details of the cases are below:-

Sr. No.	FIR	Dated	NDPS ACT	P.S.	Conviction Date
1.	23	02.02.2018	21, 61, 85	CITY BATALA	15.03.2024
2.	30	01.03.2019	21, 61, 85	CITY BATALA	02.07.2022
3.	100	14.07.2021	21, 22, 29, 61, 85	CITY BATALA	17.02.2026
4.	07	07.11.2022	21, 29, 61, 85	CITY BATALA	12.09.2024

b. That the petitioner is on bail in 2 cases that the details are attached herewith as **ANNEXURE P-5** that the details of the cases are below:-

Sr. No.	FIR	Dated	NDPS ACT	P.S.	Conviction Date
1.	50	25.03.2023	21, 29, 61, 85 NDPS	CITY BATALA	21.04.2023



2.	20	12.03.2024	325, 326, 323, 324, 148, 149, 427, 279 of IPC	CITY BATALA	06.05.2024
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c. That the petitioner was acquitted in 1 case that the details are attached herewith as **ANNEXURE P-6** that the details of the cases are below:-

Sr. No.	FIR	Dated	NDPS ACT	P.S.	Conviction Date
1.	89	24.05.2018	21, 22, 61, 85 NDPS	CITY BATALA	16.05.2022

”

5. Learned counsel for the petitioner submits that the recovery effected from the petitioner is only of 110 tablets and even if the content of Diazepam is taken into consideration, the same amounts to 9.35 grams, which falls within the non-commercial quantity.

It is further submitted that the petitioner is inside the jail for a period of about 01 year, 01 month and 04 days and the trial is not likely to conclude in the near future. Thus, in view of the quantity involved and the period of incarceration, the petitioner deserves the concession of regular bail.

6. On the other hand, learned State counsel has filed the custody certificate dated 01.04.2026in Court today, which is taken on record. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

7. Learned State counsel, while opposing the prayer for bail, submits that although the recovery effected in the present case falls within the non-commercial category, however, petitioner is a habitual offender and has been involved in multiple cases under the NDPS Act.

It is contended that the antecedents of the petitioner clearly



indicate his continued involvement in narcotic offences, as he has already been convicted in four cases under the NDPS Act and is also facing trial in other cases. Therefore, it is submitted that the petitioner does not deserve any concession of regular bail.

8. I have heard learned counsel for the parties and perused the material available on record with their able assistance.

9. At this stage, without commenting upon the merits of the case, it is noticed that the recovery attributed to the petitioner is of 110 tablets containing Diazepam, the total content whereof comes to 9.35 grams, which falls within the non-commercial quantity under the NDPS Act. Therefore, the rigours of Section 37 of the NDPS Act are not attracted in the present case.

It is further a matter of record that the petitioner is inside the jail for a period of more than 01 year and 01 month. The trial is not likely to conclude in the near future.

No doubt, petitioner has criminal antecedents; however, the question of his involvement in other cases cannot be the sole ground to deny bail in the present case, particularly when the recovery in the present case is of non-commercial quantity.

10. Considering the totality of circumstances, including the nature and quantity of contraband allegedly recovered, the period of custody already undergone by the petitioner, the status of his antecedents as reflected from the record, and without commenting on the merits of the case, this Court deems it appropriate to extend the concession of regular 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.

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

12. 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.

13. 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.

14. Petition stands **disposed of**.

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

(SANJAY VASHISTH)
JUDGE

April 02, 2026

J.Ram

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