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

CRM-M-19759-2026

Date of Decision: 06.05.2026

Surjit Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Dinesh Maurya, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.11 dated 17.01.2026, registered under Sections 22, 27, 61, 85 of NDPS Act, 1985, at Police Station Bareta, District Mansa.
2. Succinctly, facts of the case are that on 17.01.2026 the police party while on patrolling when reached the canal bridge on Babanpur Road within the limits of village Kulrian, they saw a young man on the canal bridge, who was holding a polythene bag. On seeing the police, he got perplexed, however, he was apprehended by the police. On asking, he disclosed his name to be Surjit Singh (petitioner). Search of the bag being carried by him was conducted and on conducting search, 36 tablets of Tramadol were recovered. He failed to produce any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. On completion of the investigation, the challan was filed and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Mansa praying for grant of regular bail. However, after hearing both



the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 23.03.2026. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He contends that recovery of alleged 36 tablets containing 9.828 grams of Tramadol was effected from a public place, however, no independent witness has been joined. He submits that the alleged recovery was effected from a polythene bag and thus, conscious possession is not also proved and thus, there is a blatant violation of mandatory provisions of Section 50 of the NDPS. To buttress his arguments, he submits that the alleged contraband recovered is 09.828 grams of Tramadol, which is non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. He further contends that the petitioner has no criminal antecedents as he has never been involved in any other criminal case. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that it is a case of chance recovery. He contends that the petitioner was arrested on the spot alongwith the contraband. On instructions, he has submitted that investigation is complete and charges have been framed, however, out of 13 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificate of the petitioner.



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5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery of 36 tablets weighing 09.828 grams of Tramadol has been effected from the petitioner, which is admittedly a non-commercial quantity. Charges have been framed but no witness has been examined out of total 13 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 03 months & 17 days as on 05.05.2026. As per the custody certificate, the petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

06.05.2026

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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No