



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-20337-2026
Decided on : 02.07.2026

PAWAN KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kapil Khanna, Advocate,
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Pawan Kumar, aged about 29 years	0053	17.04.2025	21(a) and 22 of NDPS Act (sections 22-C, 29, 61, 85 of NDPS Act added later on)	Adampur	Jalandhar Rural

2. As per the case of prosecution, on 17.04.2025, 45 intoxicant tablets containing Etizolam, weighing 4.8 grams, were allegedly



recovered from the possession of the petitioner. From the possession of co-accused Harjit Singh, 50 intoxicant tablets containing Etizolam, weighing 5.3 grams, along with 2 grams of heroin, were also allegedly recovered. The prosecution asserts that cumulative quantity of the contraband recovered from both the accused falls within the ambit of commercial quantity.

3. Learned counsel for the petitioner submits that petitioner is about 29 years of age, and no other case under the NDPS Act has ever been registered against him.

4. Learned counsel further submits that, in the absence of FSL report, petitioner had earlier been granted the concession of interim bail, and during the said period, he neither misused the concession nor violated any of the conditions imposed upon him.

5. It is further contended that petitioner has remained in judicial custody since 17.04.2025, i.e., for a period of about 10 months and 17 days. Thus, considering the overall facts and circumstances of the case and by taking a lenient view, counsel prays for grant of regular bail to the petitioner in the present case.

6. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 01.07.2026 in 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.



As per the custody certificate, in the present case, petitioner has already undergone 10 months and 17 days period inside jail and there is no other case registered against him.

7. Learned State counsel, while opposing the prayer for grant of regular bail, submits that quantity of etizolam recovered from the petitioner is substantially higher than the notified commercial quantity of 2.5 grams. In view thereof, petitioner is not entitled to the concession of regular bail in the present case.

8. This Court has heard the learned counsel for the parties and has carefully perused the record.

9. Undoubtedly, alleged recovery falls within the ambit of commercial quantity under the NDPS Act. However, at this stage, allegations against the petitioner are yet to be established during the course of trial. It is also not disputed that petitioner has no criminal antecedents and has not been found involved in any other case under the NDPS Act. Furthermore, petitioner was earlier granted the concession of interim bail in the absence of the FSL report, and there is nothing on record to suggest that he misused the said concession or violated any of the conditions imposed upon him.

Petitioner has remained in judicial custody since 17.04.2025, i.e., for a period of more than ten months, and trial is likely to take considerable time to conclude. Having regard to the period of incarceration already undergone, absence of criminal antecedents, satisfactory conduct of the petitioner while on interim bail, and the



overall facts and circumstances of the case, this Court is of the considered view that petitioner deserves to be afforded an opportunity to reform and reintegrate into society, subject to appropriate conditions to ensure his presence during the trial.

10. Therefore, considering totality of the facts and circumstances of the case, nature of the allegations, and the factors noticed hereinabove, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.

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.

(SANJAY VASHISTH)
JUDGE

02.07.2026
Lavisha

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