



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

(209)

CRM-M-32451-2026 (O&M)
Date of Decision: **03.07.2026**

GURPREET SINGH @ GOPI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Gaurav Singh Bhatti, Advocate
for the petitioner.

Ms. Navreet Kaur, AAG, Punjab.

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VIRINDER AGGARWAL, J. (Oral)

1. The present is the first petition instituted under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to erstwhile Section 439 of the Code of Criminal Procedure, 1973) seeking the concession of regular bail during the pendency of trial in FIR No. 19 dated 11.03.2025, registered under Sections 21(a) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Patara, District Jalandhar Rural (Annexure P-1).

2. As per the prosecution case, on 11.03.2025, a police party, while on patrol duty in the vicinity of the cremation ground of Village Talwan, noticed a person inside a room situated within the cremation ground allegedly consuming narcotic substance by lighting a lighter and inhaling smoke through a silver foil and a silver pipe. On noticing the



police party, the said person allegedly attempted to flee but was apprehended. Upon enquiry, he disclosed his identity as Gurpreet Singh @ Gopi. A search allegedly resulted in the recovery of 2 grams of heroin and 53 intoxicant tablets from his conscious possession, leading to the registration of the present FIR.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that the alleged recovery has been planted after the petitioner was illegally picked up from his residence and that the mandatory provisions of Section 50 of the NDPS Act have not been complied with in their true letter and spirit. It is further submitted that the petitioner has remained in judicial custody since 19.09.2025, the investigation stands concluded, and the final report (challan) has already been presented before the competent Court. Consequently, no further custodial interrogation of the petitioner is required. Learned counsel further submits that the trial is not likely to conclude in the near future and continued incarceration of the petitioner would amount to pre-trial punishment. It is also contended that the petitioner has clean antecedents, is neither a proclaimed offender nor involved in any other criminal case, and undertakes to abide by all the terms and conditions that may be imposed by this Court. Accordingly, it is prayed that the petitioner be granted the concession of regular bail.

4. Learned State counsel, who had the benefit of advance notice of the present petition, has vehemently opposed the prayer for grant of regular bail. It is contended that the petitioner was found in conscious possession of 53 intoxicant tablets, which, as per the Forensic Science Laboratory (FSL) report, contain Etizolam, and the total quantity thereof



falls within the category of commercial quantity under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. It is, therefore, submitted that the statutory rigours of Section 37 of the NDPS Act are squarely attracted, and the petitioner has failed to satisfy the mandatory twin conditions prescribed therein. Learned State counsel further submits that, having regard to the gravity and seriousness of the allegations and the nature of the contraband recovered, no case is made out for extending the concession of regular bail. Accordingly, it is prayed that the present petition, being devoid of merit, deserves to be dismissed.

5. I have heard learned counsel for the parties at length and have carefully perused the paper book with their able assistance.

6. A prima facie examination of the impugned order and the material collected during investigation reveals that 53 intoxicant tablets were allegedly recovered from the conscious possession of the petitioner. As per the Forensic Science Laboratory (FSL) report, the recovered tablets were found to contain salt '*Etizolam*', and the total content thereof has been determined to be 5.4 grams, which falls within the category of commercial quantity under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. Consequently, the statutory embargo contained in Section 37 of the NDPS Act squarely applies.

6.1. At this stage, this Court is unable to record the satisfaction contemplated under Section 37 of the NDPS Act, namely, that there exist reasonable grounds for believing that the petitioner is not guilty of the alleged offence or that he is not likely to commit any offence while on bail. The contentions advanced on behalf of the petitioner regarding false implication and alleged non-compliance with Section 50 of the NDPS Act



involve disputed questions of fact, which can appropriately be adjudicated only upon appreciation of evidence during the course of trial.

6.2. Though the petitioner is in custody period and the investigation stands concluded, such circumstances, by themselves, are insufficient to dilute the rigours of Section 37 of the NDPS Act in a case involving recovery of commercial quantity. No exceptional or special circumstance has been brought to the notice of this Court warranting departure from the statutory restrictions governing the grant of bail.

6.3. Accordingly, without expressing any opinion on the merits of the case, this Court is of the considered view that the petitioner has failed to satisfy the twin conditions envisaged under Section 37 of the NDPS Act. Consequently, the present petition, being devoid of merit, is hereby **dismissed**.

7. It is, however, clarified that the observations recorded herein are confined solely to the adjudication of the present bail petition and shall not be construed as an expression of opinion on the merits of the case during trial.

8. Consequent upon the final adjudication of the present petition, all pending miscellaneous applications, if any, shall also stand disposed of. No further or separate orders are required to be passed in respect thereof.

03.07.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No