



CRM-M-34614-2025 (O&M) 1

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

108

CRM-M-34614-2025 (O&M)

Date of decision: 12.03.2026

Gagandeep Singh @ Gagan

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Parminder Singh Sekhon, Sr. Advocate, with
Mr. Rajdeep Singh Gill, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.36 dated 04.03.2025, registered under Section 22 of NDPS Act at Police Station Lehra, District Sangrur.
2. Learned counsel contends that the petitioner has been in custody for 1 year and 6 days. The recovery alleged to be effected is marginally above the non-commercial quantity, it being 10 vials of cough syrup containing codeine salt, measuring 100ml each, which totals to 1000 ml and weighs 1200 grams, whereas contraband above 1000 grams falls under the ambit of commercial quantity. Charges have been framed on 31.10.2025, however out of 17 PWs, none has been examined. He is not involved in any other case.
3. Learned State counsel opposes the bail on the ground that the petitioner was apprehended at the spot alongwith commercial quantity of

contraband. However, he is unable to controvert the submissions with regard to stage of the trial and the petitioner being not involved in any other case.

4. Heard.

5. It would be apposite to refer to the status report dated 19.01.2026 filed by way of an affidavit of Deputy Superintendent of Police, Sub Division, Lehra, District Sangrur, wherein while referring to the FSL report dated 02.06.2025, the weight of the sample came out as follows:

“6. That the above said sample parcel duly sealed with seals JG was sent to the FSL on 07.03.2025. As per report No. 648/2025/Toxi/FSL/Pb dated 02.06.2025, received from FSL, SAS Nagar, the ingredients found present was reported as under:-

Chlorpheniramine Maleate	Found present in bottles contained in the envelope at (i)
Codeine Phosphate	Found present in bottles contained in the envelope at (i)
Weight of sample	Volume of sample X density of sample = 1000 ml x 1.25297 g/ml* = 1252.97 grams
Carisoprodol	Found present in tablets contained in the envelope at (ii)
Density of the sample (calculated) = 1.25927 grams/ml	

6. This Court in **Manpreet Singh vs. State of Punjab**, 2015(1) RCR (Criminal) 102, enlarged the petitioner therein on bail, considering that the weight of the 1200ml of intoxicating liquid, containing Codeine Phosphate, recovered is 1092 gm, it being marginally above the commercial quantity, he has been in custody for almost 1 year and that the trial shall take time to conclude, as no



CRM-M-34614-2025 (O&M) 3

witness was examined. Hon'ble the Supreme Court in **Aijul Sheikh vs. State of West Bengal**, SLP (Crl.) No.19312 of 2025, decided on 12.01.2026, granted bail to the appellant involved in a case of commercial quantity of contraband, it being 700 bottles of cough syrup, namely Phensedyl, by observing that he had been incarcerated for over 1 year and the chargesheet already stands filed, while

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 1 year and 6 days; not involved in any other case; charges have been framed on 31.10.2025; in all 17 prosecution witnesses, but none has been examined as of now, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer

or tamper with the evidence in any manner.

- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

12.03.2026
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No