



CRM-M-41198-2025(O&M)

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

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**CRM-M-41198-2025(O&M)
Decided on :05.03.2026**

Resham Kaur alias Mahni

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mohit Giri, Advocate for the petitioner

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the BNSS, seeking regular bail in case FIR No. 14 dated 13.03.2025, under Section 22 of the NDPS Act (Section 29 of the NDPS Act was added later on) and Section 207 of the Motor Vehicles Act, 1988, registered at Police Station Nurmahal, District Jalandhar Rural.

2. As per the case of the prosecution, while police party was on patrolling, a person was noticed riding a motorcycle who, on seeing the police team, turned back towards the left side on an unpaved road. During this process, motorcyclist threw one black-coloured polythene bag onto the grass on the left side, which he had kept in the pocket of his pink-coloured shirt. When the motorcyclist was intercepted and stopped, the said polythene bag thrown by him was recovered, from which 147



intoxicating tablets were found. Upon inquiry, the accused disclosed his name as Nand Lal Bind, resident of District Bagalpur (Bihar).

During investigation, arrested accused-Nand Lal Bind, suffered a disclosure statement stating that the said tablets had been purchased by him from one Resham Kaur @ Mahni (petitioner herein).

3. Learned counsel for the petitioner argues that petitioner has been falsely named in the disclosure statement and that she was arrested even after two months and nine days of the registration of the FIR. Petitioner is in custody since 22.05.2025 and, apart from the disclosure statement, no other evidence has been collected against her to connect her with the main crime, i.e., the recovery of 147 intoxicating tablets, which, as per the FSL report, were found to contain the salt Etizolam.

4. Learned counsel for the petitioner further submits that involvement of the petitioner is yet to be ascertained after examining the complete set of evidence during trial. Moreover, the culmination of the trial is likely to take some time, as there are a total of 17 prosecution witnesses and none has been examined till date. Thus, counsel prays for the grant of bail.

5. From paragraph No. 17 of the petition, it is noticed that there are several other cases registered against the petitioner, including six under the provisions of NDPS Act.

6. Learned counsel for the petitioner further contends that in all those cases, petitioner is on bail and that in none of the cases,



petitioner has been convicted, except one in which the sentence period of one year had already been completed on 08.10.2015.

7. Learned State counsel has filed the custody certificate of the petitioner in Court today. Same is taken on record. As per the custody certificate, petitioner is in custody for a period of last nine months and nine days. Learned State counsel, however, opposes the prayer for grant of bail and submits that petitioner has been specifically named in the disclosure statement of the co-accused as the person from whom the contraband tablets were allegedly purchased.

Learned State counsel further contends that petitioner is involved in several other cases, including those under the provisions of NDPS Act, and therefore does not deserve the concession of bail.

8. I have heard the learned counsel for the parties and have carefully perused the paper book along with the documents appended thereto.

9. Concerning the salt of Etizolam, this Court has also dealt with the matter in **CRM-M-12950-2025** (order dated 16.07.2025), wherein it was noticed as under:

“3. Learned counsel for the petitioner contends that although the quantity of Etizolam recovered from the petitioner falls under the category of commercial quantity, the recovered quantity of Heroin falls under the category of small quantity.

Learned counsel for the petitioner has produced a copy of the order dated 09.07.2025 passed in CRM-M-24404-2025 and submits that the co-ordinate Bench of this



Court concluded that the salts Alprazolam and Etizolam are prescribed for similar ailments and differ only slightly in potency. It was further observed that the commercial quantity notified by the Central Government for Etizolam (2.5 grams) is, in fact, less than the small quantity prescribed for Alprazolam (5 grams), and there is no data suggesting that Etizolam is 40 times more potent than Alprazolam. Copy of order dated 09.07.2025 is taken on record. The relevant excerpt of the said order is reproduced herebelow:

“4. He further contends that the Central Government vide notification bearing No. S.O.1276(E) dated 23.03.2021, Etizolam was brought under the ambit of the NDPS Act. It was specified that 0.05g would constitute to be small quantity while 2.5g would be the commercial quantity in this regard. However, a perusal of the Pre-Review Report presented on Etizolam by the World Health Organisation’s Expert Committee on Drug Dependence, at its 37th Meeting (16-20 November, 2015), would indicate that Etizolam is comparable to Alprazolam in its nature and effects, both being derivatives of benzodiazepine. Based on its chemical structure, it is also unlikely to convert Etizolam into a different controlled substance. In fact, the report concludes that nature of possible abuse of Etizolam does not warrant international control. Moreover, there is also a scarcity of empirical data concluding overdose of Etizolam can result in death. While two doses of 0.5mg Etizolam per day would have the same impact as two doses of 0.5mg Alprazolam, the huge difference in the notified commercial quantities for the same is rather curious

<i>Controlled Substance</i>	<i>Small Quantity</i>	<i>Commercial Quantity</i>
<i>Alprazolam</i>	<i>5g</i>	<i>100g</i>
<i>Etizolam</i>	<i>0.05g</i>	<i>2.5g</i>



5. *In spite of the fact that both the notified substances are prescribed to cure the same ailments and have a similar effect, with minor difference in potency, the commercial quantity notified by the Central Government for Etizolam (2.5g) is even lesser than small quantity prescribed for Alprazolam (5 g). There is no data to even remotely suggest that the potency of Etizolam is 40 times that of Alprazolam*

6. *With that in view, a study of Section 22 of the NDPS Act is called for-*

22. Punishment for contravention in relation to psychotropic substances.—

Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted thereunder, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any psychotropic substance shall be punishable,--

(a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to 2[one year], or with fine which may extend to ten thousand rupees, or with both;

(b) where the contravention involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to ten years, and with fine .

(c) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years, and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:



Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.

The mandatory minimum punishment for cases involving commercial quantities is 10 years, which may be extended to 20 years. In view of the nature of Etizolam, such stringent punishment does not satisfy the test of proportionality. The impact of Etizolam and the meagre amount of commercial quantity i.e. 2.5g notified by the Central Government does not align with the gravity of the offence alleged.”

Counsel submits that in the cited case, there was a recovery of 2.76 grams of Etizolam, and considering the custody period of 9 months already undergone, the petitioner in that case was granted the concession of bail. Relying on the strength of the aforesaid bail order, Mr. P.S. Sekhon, learned counsel for the petitioner, prays for grant of bail, submitting that the petitioner has been in custody for nearly two years (i.e., one year, eleven months, and sixteen days).”

In view of the petitioner’s custody period and the fact that trial is likely to take considerable time as the statements of the prosecution witnesses are yet to be recorded, this Court is of the considered opinion that petitioner deserves an opportunity for rehabilitation and reintegration into society. Without expressing any opinion on the merits of the case, petitioner’s right to personal liberty cannot be curtailed indefinitely.



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Consequently, present petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, provided she is not required in connection with any other case.

10. Any of the discussion done and recorded hereabove, 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.

11. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.03.2026

Rashmi

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