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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-41658-2025 (O&M)
Date of decision: 11.03.2026

Bharat Adia **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Kavita, Advocate (Legal Aid Counsel)
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 278 dated 04.09.2024, registered under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Hoshiarpur, District Hoshiarpur.
2. Brief facts of the case relevant for the disposal of the present petition are that on 04.09.2024, the petitioner along with co-accused Ashish @ Ashu was apprehended by a police party and recovery of 15 grams of heroin and 100 loose intoxicant tablets (Etizolam) was effected from the petitioner. The similar recovery was effected from the co-accused as well. Since they could not produce any valid license or permit to keep in their possession the recovered drugs, they were formally arrested at the spot. Upon interrogation, they disclosed that the recovered contraband had been purchased by them from one Ashu, who was also nominated as accused in this case. After completion of

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necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner and co-accused, was planted by the police officials. Mandatory provisions of the NDPS Act were not complied with. The story put forth by the police party is concocted one. Even otherwise, investigation has since been completed and challan has been presented. Conclusion of trial is likely to take considerable time. The petitioner is in custody since 04.09.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Custody certificate has been filed by the respondent-State. Learned State counsel has argued that the petitioner was apprehended by the police party on 04.09.2024 and recovery of 15 grams of heroin and commercial quantity of Etizolam tablets was effected from him. Similar recovery was effected from the co-accused as well. Since commercial quantity of the contraband has been recovered from the petitioner and co-accused, the rigors of Section 37 of the NDPS Act would be attracted in this case. Trial is going on at a proper pace. The petitioner is involved in one more case of similar nature. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the allegations, the petitioner along with the co-accused was apprehended by the police party on 04.09.2024 and commercial quantity of

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Etizolam tablets along with 15 grams of heroin was effected from him. The quantity of Etizolam tablets, which is a psychotropic substance, obviously falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. The trial is going on at a proper pace and out of total 09 prosecution witnesses, only 04 witnesses are left to be examined. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

11.03.2026

Waseem Ansari

Whether speaking/reasoned

Whether reportable

(MANISHA BATRA)
JUDGE

Yes/No

Yes/No