



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-47620-2025
Decided on : 24.02.2026

Sukhdev Raj . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. S.S. Rana, Advocate and
Mr. Dipanshu Kapur, Advocate, for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sukhdev Raj	118	09.10.2024	22 of NDPS Act, 1985	Mehatpur	Jalandhar

2. As per case of the prosecution, from the polythene bag, which allegedly thrown by the petitioner on seeing the police party, total 120 orange coloured loose tablets were recovered, which later on were identified as Etizolam. Total weight of the Etizolam salt was found to be 12.36 grams, which is commercial quantity.

3. Learned counsel for the petitioner submits that petitioner is inside jail for the last about more than a period of 01 year and 04 months. Out of total cited 09 prosecution witnesses, none has been examined so far.

Further submits that petitioner is involved in one more case of



similar nature, i.e., FIR No.163, dated 21.08.2023, under Sections 22, 25 of NDPS Act, registered at P.S. Sidhwan Bet. However, in the said case, petitioner has already been released on bail. Thus, in the given facts and circumstances, learned counsel for the petitioner prays for grant of the concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 23.02.2026 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.

5. Learned State counsel, while opposing the contentions raised by the petitioner's counsel, submits that the petitioner, though as per custody certificate, is in custody for the last 01 year, 04 months and 12 days, is not entitled to bail inasmuch as the recovered quantity is commercial in nature. Therefore, the petitioner would not be entitled to bail, especially when there is a statutory bar under Section 37 of the NDPS Act.

6. I have heard learned counsel for the parties and perused the material available on record.

7. Admittedly, the recovery effected from the petitioner falls within the category of commercial quantity, and thus, the rigours of Section 37 of the NDPS Act are attracted. However, it is equally a matter of record that the petitioner is in custody for the last about 01 year, 04 months and 12 days and out of total cited 09 prosecution witnesses, none has been examined so far, which clearly indicates that the trial is yet to commence and is likely to take considerable time to conclude.

It is also not disputed that except one other case of similar



nature, in which the petitioner is already on bail, there is no other conviction recorded against him. The allegations levelled against the petitioner are yet to be established during the course of trial and at this stage, there is no material placed on record to suggest that the petitioner would tamper with evidence or influence prosecution witnesses, if released on bail.

8. In these circumstances, and without commenting on the merits of the case, this Court is of the considered view that continued incarceration of the petitioner for an indefinite period would not serve any useful purpose. Thus, taking into consideration the period of custody already undergone, the stage of trial, and the overall facts and circumstances of the case, this Court is satisfied that the present petition deserves to be allowed.

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.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. 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.

11. 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.



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12. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

February 24, 2026
J.Ram

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