

2026:PHHC:023836



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

305

CRM-M-54037-2025 (O&M)
Date of decision: 18.02.2026

Amritpal Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Dr. S. K. Passi, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case arising out of FIR No. 111 dated 08.11.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) [Section 29 of the NDPS Act and Section 111 of BNS, 2023 added later on] at Police Station Banur, District Patiala. The previous petition was dismissed as withdrawn on 20.05.2025.

2. Brief facts of the case relevant for the disposal of the present petition are that on 08.11.2024, Inspector Gursewak Singh along with other police officials was on patrolling duty. The police party noticed suspicious movement of a motorcycle bearing registration number PB-39-H-7469, make Splendor, which was followed by an Activa scooter bearing

2026:PHHC:023836



registration number PB-27-G-3191. Both the vehicles were stopped but the riders of the said vehicles tried to turn back and flee but were intercepted and apprehended. It was found that the Splendor bike was driven by one Sandeep and Dharvinder Singh was the pillion rider on the same, whereas the Activa scooter was being driven by the present petitioner. On suspicion, their search was conducted. Recovery of 700 tablets of Tramadol Hydrochloride was effected from a plastic bag, which was hanging on the motorbike driven by co-accused Sandeep Singh, whereas recovery of 250 tablets of Tramadol Hydrochloride was effected from the present petitioner. 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. As per FSL report, the total weight of the intoxicant tablets recovered from the petitioner was found to be 77.25 grams, whereas the total weight of the intoxicant tablets recovered from the co-accused was found to be 216.3 grams. After completion of 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 aforesaid mentioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. As per own version of the prosecution, only 250 intoxicant tablets of Tramadol Hydrochloride were recovered from the petitioner, the total weight of which, as per FSL report, was found to be only 77.25 grams, which is much below the commercial quantity i.e. 250 grams. More so, in view of the ratio of law as laid down by Hon'ble Supreme Court in ***Amarsingh Ramjibhai Barot vs. State of Gujarat*** :

2026:PHHC:023836



2005(7) SCC 550, the recovery effected from the aforesaid co-accused cannot be added to bring it within the ambit of commercial quantity. Even otherwise, mandatory provisions of Sections 42 and 50 of the NDPS Act were not properly complied with. Investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in judicial custody since 08.11.2024. He has clean antecedents. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. It is an admitted fact that recovery effected from the petitioner was of 250 intoxicant tablets, total weight of which was found to be 77.25 grams, which does not fall under commercial quantity. Hence, in view of ratio of law as laid down in ***Amarsingh***'s case (*supra*), it will be a question of debate as to whether the recovery effected from the co-accused can be taken into consideration against the present petitioner to bring it within the ambit of commercial quantity, which can be decided by the learned trial Court at the final conclusion of trial after appreciating the entire material and evidence placed on record before it. The petitioner has clean antecedents. He is in custody since 08.11.2024. Investigation has since been completed and *challan* has been filed. Conclusion of the trial is likely to take considerable

2026:PHHC:023836



time as only one out of total ten prosecution witnesses has been examined so far. Keeping in view the discussion as made above, this Court is of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

18.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No