



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-54873-2025
Decided on : 24.02.2026

Sukhpreet alias Ajay . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Avneet Singh, Advocate for
Mr. N.S. Lucky, Advocate, for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab
assisted by ASI Paramjit Singh.

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
Sukhpreet alias Ajay	004	12.01.2025	22 of NDPS Act, 1985	Adampur	Jalandhar Rural

2. As per the allegations, petitioner was holding a black-coloured plastic bag in his right hand and, upon noticing the police party, threw the same on the ground and attempted to flee. Upon being apprehended, the said plastic bag was searched, leading to the recovery of 105 pills, which were subsequently found to contain Etizolam salt. The total weight of the Etizolam salt was found to be 10.71 grams.

3. Learned counsel for the petitioner contends that the petitioner is a young man aged about 27 years and has never, in the past, been found



involved in any similar activity punishable under the NDPS Act. It is further submitted that petitioner has been falsely implicated by introducing concocted and stereotyped allegations, which, according to the counsel, are commonly noticed in several cases. On these grounds, learned counsel prays for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel opposes the prayer for bail by submitting that the quantity of Etizolam recovered in the present case falls within the category of commercial quantity, and therefore, the petitioner is not entitled to the concession of bail.

Besides, a custody certificate dated 23.02.2026 has been filed in Court today, which is taken on record. The office is directed to tag the same at the appropriate place. A copy thereof has been supplied to learned counsel for the petitioner.

As per the said custody certificate, petitioner has undergone an actual period of incarceration of 11 months and 17 days as on 23.02.2026.

5. I have considered the submissions addressed by learned counsel for the parties and also perused the relevant record.

6. Petitioner is about 27 years of age and has not been found involved in any other case of a similar nature. Being a first-time offender, he deserves to be afforded at least one opportunity to reform and reintegrate into society.

It is also noteworthy that the petitioner has been in custody since 20.01.2025, i.e., for a period of approximately 11 months and 17 days, and out of 12 prosecution witnesses cited, only one has been examined so far.



Further, as pointed out by learned counsel for the petitioner, during the period when the petitioner was released on interim bail from 06.03.2025 to 27.04.2025, petitioner did not misuse the concession of bail in any manner.

7. Otherwise also, this Court vide order dated 10.12.2025, passed by this Court in CRM-M-22148-2025, titled as “*Amit Kumar v. State of Punjab*”, wherein, while granting bail to the accused – Amit Kumar, this Court took into consideration the issue relating to different salts, namely Etizolam and Pregabalin.

The relevant portion of paragraph No.6 of the said order is reproduced here below:-

“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).”

8. In view of these observations, and considering the substantial period of incarceration already undergone by the petitioner, 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.

Consequently, the present petition is **allowed**. Petitioner – Sukhpreet alias Ajay, is ordered to be released on regular 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. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is



expected to decide the case on the basis of complete evidence available on record.

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.

12. Petition stands **disposed of**.

Pending 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