



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-58865-2025
Decided on : 28.01.2026

Sewa Singh @ Rana . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Mahima Dogra, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, 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
Sewa Singh @ Rana	12	08.02.2024	22/61/85 of NDPS Act, 1985	Mahilpur	Hoshiarpur

2. As per case of the prosecution, petitioner was a pillion rider and, upon being intercepted by the members of the police team, 21 Buprenorphine injections, each of 2 ml, were recovered from the right pocket of the lower worn by him. Thus, learned counsel argues that the total quantity of the recovered substance from the petitioner comes to 21 × 2 ml = 42 ml.

Further submits that the petitioner has been in custody for a period of more than 01 year and 11 months and, if Rule 66 of the NDPS Rules, 1985 is taken into consideration, he has a reasonable explanation to



possess the recovered injections.

3. Learned counsel further contends that, as per the first proviso of Rule 66(2) of the NDPS Rules, 1985, any individual can possess such injections for his personal medical use, but not exceeding 100 doses/units at a time. It is further clarified that if the doses/units exceed 100, such person is required to possess a prescription from a registered medical practitioner. 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, while opposing the contentions raised by the petitioner's counsel, submits that the petitioner, though in custody for the last more than 01 year, 11 months and 18 days, is not entitled to bail inasmuch as the recovered quantity is more than 20 ml, which is considered to be a commercial quantity. Therefore, the petitioner would not be entitled to bail, especially when there is a statutory bar under Section 37 of the NDPS Act.

5. I have considered the rival submissions of learned counsel for the parties, carefully gone through the material available on record, and also noticed the contention *qua* Rule 66 of the NDPS Rules, addressed by learned counsel for the petitioner.

6. For reference, Rule 66 of NDPS Rules, reads as under:-

“66. Possession etc. of psychotropic substances.

3[(1) No person shall possess : any psychotropic substances for any of the purposes covered under 1945 rules, unless he is lawfully authorized to possess such substance for any of the said purposes under these rules:

Provided that possession of a psychotropic substance specified in Schedule I shall be only for the purposes mentioned in chapter VIIA.

(2) Notwithstanding anything contained in sub-rule (1), any



research institution, or a hospital or dispensary maintained or supported by Government or local body or by charity or voluntary subscription, which is not authorised to possess any psychotropic substance under the 1945 Rules, or any person who is not so authorised under the 1945 Rules, may possess a reasonable quantity of such substance as may be necessary for their genuine scientific requirements or genuine medical requirements, or both for such period as is deemed necessary by the said institution or, as the case may be, the said hospital or dispensary or person.

Provided that where such Psychotropic substance is in possession of an individual for his personal medical use the quantity thereof shall not exceed one hundred dosage units at a time.

Provided further that an individual may possess the quantity of exceeding one hundred dosage limits at a time [but not exceeding-three hundred dosage units at a time] for his personal long term medical use if specifically prescribed by a Registered Medical Practitioner]

(3) The research institution, hospital and dispensary referred to in sub-rule (2) shall maintain proper accounts and records in relation to the purchase and consumption of the psychotropic substance in their possession.”

7. Not only this, as pleaded in paragraph No. 11 of the main petition, learned counsel for the petitioner, in support of her contentions, places reliance upon the Division Bench judgment of this High Court rendered in *Saleem Mohd. v. State of Punjab; 2015(25) RCR (Crl.) 816*.

Though it has been informed that the proceedings before the trial Court are fixed at the stage of recording of defence evidence, yet, considering the assistance extended by learned counsel for the petitioner in support of the plea of bail addressed on behalf of her client, and going to the spirit of Rule 66 of the NDPS Rules, I deem it appropriate to consider the plea for grant of regular bail.

8. Without commenting upon the merits of the case and considering the totality of the circumstances, particularly the period of custody undergone by the petitioner, the stage of the trial, and the submissions addressed with reference to Rule 66 of the NDPS Rules, this Court is of the view that the



petitioner has made out a case for grant of regular bail.

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.

12. Petition stands **disposed of**.

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

(SANJAY VASHISTH)
JUDGE

January 28, 2026

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No