

**CRM-M-60664-2024****1**

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

111**CRM-M-60664-2024****Decided on :12.01.2026**

Gurpreet Singh alias Gopi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Gurpreet Singh @ Gopi, has filed the present second petition seeking regular bail in Case FIR No. 226 dated 06.09.2020, registered under Section 22 of the NDPS Act at Police Station Tanda, District Hoshiarpur. First bail petition, CRM-M-13174-2024, seeking regular bail, was dismissed as withdrawn vide order dated 04.07.2024, i.e., approximately one year and five to six months ago.

2. As per the allegations mentioned in the FIR, on 06.09.2020, based on receipt of secret information, petitioner was intercepted by members of the police team. Upon noticing the police, petitioner allegedly threw a polythene bag from his hand and attempted to flee from the spot. When apprehended, he reportedly disclosed that the polythene bag contained intoxicated capsules, and he was waiting for customers to purchase them. Upon completion of formalities, recovery of 417 capsules was effected from the polythene bag thrown by the petitioner.

**CRM-M-60664-2024****2**

3. Learned counsel for the petitioner submits that, in fact, out of the 417 recovered capsules, examination revealed the presence of Tramadol salt weighing approximately 266.188 grams, which is slightly above the maximum of non-commercial quantity i.e. 250 grams. It is further submitted that petitioner is in judicial custody for approximately two years and three months, and trial is yet to be concluded.

Counsel also contends that petitioner has been falsely implicated, with the alleged recovery from the polythene bag being a planted case. Such allegation, particularly the claim that polythene bag was thrown on being noticed by the police, appears to circumvent the mandatory provisions of the NDPS Act.

4. Regarding other 13 cases mentioned in the status report and the custody certificate produced in Court by learned State counsel, petitioner's counsel points out that in almost all such cases, petitioner has either been granted bail or has already served the sentence imposed for recovery of small or non-commercial quantities. Allegations of the instant case are yet to be determined by the learned trial Court; however, by delaying the trial proceedings petitioner's detention cannot be prolonged, particularly for an indefinite period. Therefore, petitioner prays for the grant of regular bail.

5. On the other hand, learned State counsel submits that petitioner is an habitual offender and said fact was noticed also on the earlier occasion when bail petition was dismissed as withdrawn on 04.07.2025.



However, learned State counsel cannot deny that, in respect of the other cases mentioned in the status report and custody certificate, in the majority of cases, petitioner has either completed the sentence period or has already been granted bail.

6. This Court has considered the submissions addressed by the respective counsel and also perused the present petition, status report, and custody certificate. The details of other cases registered against the petitioner are as follows:

Sr. No.	FIR / DD No.	Date	Sections Involved	Police Station	Status
i	FIR No. 80	19.04.2019	20/22/61/85 NDPS Act	Tanda	Petitioner on bail
ii	FIR No. 148	21.06.2022	22/29/61/85 NDPS Act	Tanda	Petitioner on bail
iii	FIR No. 253	29.11.2019	21/22/27/29/61/85 NDPS Act	Tanda	Petitioner on bail
iv	FIR No. 106	04.07.2013	398/427 IPC, 25 Arms Act	City Hoshiarpur	Petitioner on bail
v	FIR No. 82	31.08.2009	304(II)/323 IPC	Tanda	Petitioner on bail
vi	FIR No. 78	26.07.2023	21-B/61/85 NDPS Act	Bhogpur	Sentence completed
vii	FIR No. 181	11.09.2020	21 NDPS Act, 42 Prison Act	City Gurdaspur	Sentence completed
viii	FIR No. 105	25.05.2006	21/61/85 NDPS Act	Tanda	Sentence already undergone
ix	FIR No. 297	2008	326, 323, 374, 34 IPC	Tanda	—
x	DD No. 6	10.04.2008	107/151 Cr.P.C.	Tanda	—
xi	FIR No. 225	03.12.2019	21/61/85 NDPS Act	Bhogpur	—



xii	FIR No. 88	14.07.2008	21 NDPS Act	Bhogpur	Petitioner on bail
xiii	FIR No. 74/2019	—	—	—	—

7. Noticing the fact that petitioner is inside jail for the past about two years and three months, and salt of Tramadol recovered from 417 capsules amounts to 266 grams, which is only 16 grams more than the maximum of non-commercial quantity. Allegations are yet to be proved by the prosecution, whereas, out of total nine prosecution witnesses, only three have been examined. Therefore, liberty of the petitioner cannot be curtailed for indefinite period, especially when there is no allegation proceeding is delayed due to petitioner’s conduct.

Consequently, 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.

8. Any of the discussion done and recorded hereabove, 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.

9. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.



CRM-M-60664-2024

5

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

12.01.2026
Rashmi

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