



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M-60042-2025 (O&M)

Date of decision: 05.03.2026

Manpreet Kumar

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ranwant Singh Sangha, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This second petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.127 dated 08.10.2023, registered under Section(s) 22 (Section 29 added later on vide G.D. No.31 dated 08.10.2023) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Nihal Singh Wala, District Moga.

2. Learned counsel appearing on behalf of the petitioner contends that the present case pertains to recovery of tablets weighing 17.33 grams of Tramadol Hydrochloride salt and 3.66 grams of Etizolam salt. It is contended that so far as the recovered weight of Tramadol Hydrochloride is concerned, the same was an intermediate quantity while the recovered weight of Etizolam is stated to be commercial.

3. Learned counsel for the petitioner contends that the petitioner has been in custody since 08.10.2023 and has already undergone an actual

custody of nearly 02 ½ years. He contends that the petitioner has no criminal antecedents. He submits that the petitioner was infact a Driver in Dubai, who had met with an accident and had been prescribed Etizolam. He contends that even during the custody period, he has been undergoing treatment in Guru Gobind Singh Medical College Hospital, Faridkot (Punjab) and tablet Etizolam is being prescribed regularly by the Doctors therein. He refers to the medical record in support of his arguments.

4. Learned counsel for respondent-State, on the other hand, contends that 09 out of total 11 prosecution witnesses have already been examined. The medical record is not disputed. He contends that the Etizolam being a Scheduled H drug, a prescription is to be produced.

5. While not disputing the stage of trial, while the stage of trial, counsel for the petitioner contends that for the last more than 04 months, the co-accused is absconding and the proceedings for proclamation have been initiated, hence, the trial has come to a halt.

6. Having heard the learned counsel for the parties and taking into consideration facts and circumstances as narrated above including the period of actual custody undergone by the petitioner, his clean antecedents coupled with the fact that the arguable issues as to whether the petitioner is a patient and thus consumer of the medicine or he is liable to be prosecuted for offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 is to be determined during the stage of the trial, I deem it fit to allow the instant petition. The long incarceration itself raises the equity in favour of an undertrial so as to equally meet out the embargo contained under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Reliance in

this regard may be placed on the judgment dated 10.01.2025 passed by this Court passed in **CRM-M-64074-2024** titled as '**Kulwinder Singh Vs. State of Punjab**'.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

05.03.2026

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No