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

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CRM-M-67277-2025 (O&M)
Date of decision: 11.03.2026

Gurbachan Singh @ Guri ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 42 dated 21.05.2025, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kheri Gandian, District Patiala.
2. Brief facts of the case relevant for the disposal of the present petition are that on 21.05.2025, on the basis of a secret information, the petitioner, while coming on a motorcycle bearing registration number PB-65-M-4729, was apprehended by a police party and recovery of 1500 intoxicant capsules of *Proxywelspas* containing Tramadol Hydrochloride was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered drug, he was formally arrested at the spot. Upon interrogation, he disclosed that the recovered contraband was purchased by him from one Ramesh Kumar, who was also nominated in this case as an accused.

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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 aforementioned offence.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery was planted upon him. In fact, he was picked up from his house on 19.05.2025 and was given beatings. His wife had moved detailed representation in this regard to the police authorities but no action was taken. It is further argued that mandatory provisions of the NDPS Act were not complied with properly. Even otherwise, investigation has since been completed and challan has been presented. The trial is likely to take a long time as no prosecution witness has been examined so far. The petitioner has been in custody since 21.05.2025. He is not involved in any other case of similar nature. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report as well as additional reply has been filed by the respondent-State. Learned State counsel has argued that the petitioner was apprehended by the police party on 21.05.2025 and recovery of commercial quantity of the aforementioned contraband was effected from him. The rigors of Section 37 of the NDPS Act would be attracted against him. The representation filed by his wife with regard to his false implication has been duly inquired into and finding no substance, the same has been filed. Trial may be expedited. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

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6. As per the allegations, the petitioner was apprehended by the police party on 21.05.2025 and recovery of 1500 intoxicant capsules containing Tramadol Hydrochloride was effected from him, which falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with regard to his false implication by picking him up from his house on 19.05.2025, the respondent-State in its additional reply has taken a firm stand that the representation filed by the wife of the petitioner raising this grievance has been filed finding no substance in the same. Hence, no inference can be drawn on this point by this Court at this stage. The allegations against the petitioner are quite serious. The custody undergone by the petitioner cannot be said to be prolonged. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

11.03.2026*Waseem Ansari***(MANISHA BATRA)
JUDGE**

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No