

2026:PHHC:014946



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

234

CRM-M-67857-2025 (O&M)
Date of decision: 02.02.2026

Jagir Khan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Lovepreet Handa, 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. 23 dated 30.03.2025, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Pojewal, District SBS Nagar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 30.03.2025, the petitioner was apprehended by a police party and recovery 45 intoxicant tablets of Etizolam 0.5 MG was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. As per FSL report, the total weight of the recovered tablets was found to be 2.52 grams, which fell under commercial quantity. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offence.

2026:PHHC:014946



3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The story put forth by the police party is concocted one. In fact, a false recovery was planted upon him. The mandatory provisions of the NDPS Act were not complied with properly. Even otherwise, the quantity of the contraband allegedly recovered from the petitioner is marginally higher than the commercial quantity. Investigation has since been completed and challan has been presented before the Court. The trial is likely to take considerable time. The petitioner is in custody since 30.03.2025. He has clean antecedents. No useful purpose would be served by keeping him in custody anymore. It is, thus, urged that the petition deserves to be allowed. Learned counsel for the petitioner has placed reliance upon the judgments cited as *Amritpal Singh vs. State of Punjab : 2022 (3) Law Herald 1996*, *Karandeep Singh @ Sunny vs. State of Punjab : 2021 (3) Law Herald 2230* and *Mandeep Singh alias Lakhari vs. State of Punjab : 2022 (1) Law Herald 74*, whereby the accused, from whom the contraband marginally above the commercial quantity was recovered, were granted concession of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner was apprehended by the police party on 30.03.2025 and recovery of commercial quantity of contraband was effected from him. The rigors of Section 37 of the NDPS Act would be attracted against him. Trial is going on at a proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is in custody since 30.03.2025. The quantity of the contraband recovered from him is marginally above than the commercial

2026:PHHC:014946



quantity, which 2.5 grams for the said contraband. Though the allegations levelled against the petitioner make out a prima facie case against the petitioner for commission of subject offence, however, on a perusal of the record, it is apparent that there are no chances of conclusion of the trial in near future and it will take considerable time. The petitioner has remained in custody since long. Therefore, keeping in view the aforesaid facts as well as the ratio of law laid down in aforecited authorities, this Court is of the considered opinion that the petitioner deserves to be granted benefit of regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

02.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No