

2026:PHHC:048524



CRM-M-69533-2025

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

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CRM-M-69533-2025 (O & M)

Date of decision: 27.03.2026

LUCKY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vipin Mahajan, Sr. Advocate with
Ms. Manju Fulara, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.34 dated 10.03.2025, registered at Police Station Dinanagar, District Gurdaspur, under Sections 22, 27-A, 29 and 31 NDPS Act, 1985 (offence under Sections 29 and 31 NDPS Act added later on).
2. Reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Dina Nagar, District Gurdaspur, filed in the Court, is taken on record.
3. Learned counsel contends that the petitioner has been in custody for 1 year and 10 days. He alleges false implication. The recovery alleged to have been effected from him is 27 tablets containing 4.72grams

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of Etizolam, from a bag lying on the ground, thus, it is debatable whether he can be said to have been in conscious possession thereof. Even otherwise, its usage is similar to Alprazolam, the commercial quantity for which under NDPS Act starts at 100gms, unlike Etizolam, which is at 2.5gms. There is non-compliance of mandatory provisions of Section 50 NDPS Act. No independent witness has been joined at the time of recovery. Charges have been framed on 10.12.2025, however none out of 18 PWs has been examined. He is involved in 4 more cases with regard to small quantity of contraband, in 1 of which he is on bail and has undergone the sentence of 10/12 days in remaining. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

4. The custody certificate dated 26.03.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year and 10 days.

5. Learned State counsel opposes the bail on the ground that commercial quantity of contraband was recovered from the petitioner, who was apprehended at the spot, alongwith drug money of Rs.1,000/-. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being on bail in 1 other case.

6. Heard.

7. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court,

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merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc.” Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, “The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

8. Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act. In **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.02.2023, wherein a commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

9. In **Baljit Singh @ Mintu @ Baljit Gill vs. State of Punjab**, CRM-M-15588-2024, a case wherein 40 tablets, containing 7.2 grams of the salt Etizolam were recovered, this Court while considering that it is not a hard drug like heroin, charas or other synthetic ones, granted bail to the petitioner therein, who was involved in 5 other cases of similar nature, after being in custody for a period of 1 year, 1 month and 8 days.

10. Relying on the aforesaid judgment, in **Pawan Kumar vs. State of Punjab**, CRM-M-24404-2025, decided on 04.07.2025, bail was

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granted to the petitioner therein, after 9 months, from whom also, commercial quantity of Etizolam was recovered. In CRM-M-22148-2025, titled as **Amit Kumar vs. State of Punjab**, dated 10.12.2025, wherein 40 tablets of Etizolam were recovered, this Court enlarged the petitioner on bail whilst taking note of his custody of 1 year, 2 months and 27 days. Further the petitioner in CRM-M-54873-2025, **Sukhpreet alias Ajay vs. State of Punjab**, decided on 24.02.2026, from whom 105 pills containing 10.71 grams of Etizolam was recovered, was released on regular bail by this Court, after being in custody for 11 months and 17 days. In CRM-M-53756-2025, **Harjit Singh @ Sonu Doctor vs. State of Punjab**, decided on 12.11.2025, bail was granted to the petitioner, after being in custody for more than 11 months, from whom 95 tablets, containing 11.875 grams of Etizolam salt was recovered.

11. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 10 days; on bail in 1 case; charges stand framed on 10.12.2025, however out of 18 PWs, none has been examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

12. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial

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Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

13. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

14. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and

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would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

27.03.2026
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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