



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

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**CRM-M No.69988 of 2025
Date of decision : 14.1.2026
Date of uploading : 14.1.2026**

Ankush Dutta @ Ankush**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashish Nagar, Advocate, for the petitioner

Mr. Hemant Aggarwal, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.138 dated 29.8.2025 under Sections 22-61-85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Nawanshahar.
2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act involving 25 intoxicating tablets of etizolam, weighing about 2.3 grams, allegedly recovered from the petitioner on 29.8.2025 in the area near cremation ground near village Sanawa.
3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.8.2025. Learned counsel has further argued that the



petitioner has been falsely implicated in the FIR in question. Learned counsel has further argued that mandatory provision of NDPS Act has not scrupulously been complied with and therefore, the prosecution case suffers from inherent defects. Learned counsel has further submitted that there is no other pending FIR against the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 13.1.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.8.2025 wherein after investigation was carried out and challan stands presented on 24.11.2025. Total 12 prosecution witnesses have been cited but none has been examined. It is thus indubitable that culmination of trial will take its own time. It is not in dispute that the contraband alleged to have been recovered is non-commercial in nature. *Ergo*, rigors of NDPS Act would not apply in the case in hand. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the



likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 13.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 14 days. The said custody certificate further shows that the petitioner was involved earlier in 2 FIRs but has been acquitted therein.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his



bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

14.1.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No