

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27924-2025
Reserved on: 01.08.2025
Pronounced on: 27.08.2025

Manish Kumar Tondan @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumeet Singh Brar, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0009	04.03.2025	Payal, District Ludhiana, Punjab	22 of NDPS Act and 111(2) BNS

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 13 of the short reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	183	22.11.2017	22 of NDPS Act	Payal
2.	59	03.06.2019	22 of NDPS Act	Payal
3.	10	29.01.2022	21, 25 of NDPS Act	Doraha
4.	148	27.06.2021	15, 29 of NDPS Act	Lehra
5.	26	15.02.2024	22 of NDPS Act	Sadar Khanna
6.	139	12.12.2023	379, 411 IPC	Payal

3. The facts and allegations are taken from the short reply filed by the State. On 04.03.2025, based on a chance recovery, the Police seized Rs.2000/- drug money from the possession of co-accused Gurdeep Singh @ Deepu, 40 intoxicant tablets from the possession of petitioner and 40 intoxicant tablets from the possession of co-accused Krishan Kumar @ Gauri. In total, 80 intoxicant tablets were recovered. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and BNSS, 2023.

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner’s counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State’s counsel opposes bail and refers to the short reply.

7. As per paragraph 7 of the short reply, the name of the contraband is Clonazepam and weight of one tablet is 79 mg/tablet and total weight is 3.16 grams (79x40 tablets), and it constitutes an offence under the following provisions and notifications:

8. Dealing in Clonazepam is an offence under the NDPS Act in the following terms:

Substance Name	CLONAZEPAM
Quantity detained	3.16 Gram
Quantity type	Small
<i>Drug Quantity in % to upper limit of Intermediate</i>	3.16%

<i>Drug's Small & Commercial Qty. suggested by Committee report</i>	
<i>Notification No. & date</i>	Expert Committee Report dated 24.03.1995 & 23.08.2001 (Small and Commercial)

<i>Specified as small & Commercial in S.2(viia) & 2(xxiii) NDPS Act, 1985</i>		
Notification No. & dated	S.O.1055(E)	10/19/2001
Sr. No.	189	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	CLONAZEPAM	
Other non-proprietary name	*****	
Chemical Name	5-(o-chlorophnyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one	
Small Quantity	< 5 Gram	

Commercial Quantity	> 100 Gram
---------------------	------------

Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	NDPS Act, 1985 (61 of 1985), S.O. 821(E)	11/14/ 1985

Sr. No.	38
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	CLONAZEPAM
Other non-proprietary name	*****
Chemical Name	5-(o-Chlorophenyl)-1, 3-dihydro- 7-nitro-2H-1, 4-benzodiazepin-2- one

12. Given the above, the 3.16 grams of Clonazepam fall in Small Quantity, which is a bailable offence.

13. Per custody certificate dated 31.07.2025, the petitioner's custody in present FIR is 04 months and 24 days.

14. In Kuldeep Singh alias Keepa v. State of Punjab, CRM-M-60671-2024, Neutral Citation no. 2024-PHHC-170456, Decided on: 18.12.2024, this Court holds,

[83]. Consequently, when the contravention under the NDPS Act involves 'Small Quantity', the offences are 'Bailable'. When the drug quantity falls in small category, the offence is bailable by operation of BNSS, 2023. Thus, any person accused of such an offence is entitled to bail without filing any bail application, subject to furnishing the requisite bail bonds.

15. Given the above, petitioner is entitled to bail. The petitioner is ordered to be released on furnishing bonds subject to the satisfaction of the Trial Court/ Concerned Illaqa Magistrate.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.08.2025

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No.