

CRM-M-43751-2025

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

CRM-M-43751-2025  
Reserved on: 08.09.2025  
Pronounced on: 29.09.2025

Chamkaur Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Ramandeep Kaur, Advocate for  
Mr. Monty Goyal, Advocate for the petitioner.

Ms. Pooja Nayar Sharma D.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
59	17.05.2025	Sadar Raikot, District Ludhiana Rural	22, 61, 85 of NDPS Act (Section 29 of NDPS Act added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 15 of the bail application and paragraph 12(F) of the status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	137	29.11.2021	21, 22, 25, 29/61/85 of NDPS Act	Sadar Raikot
2.	136	06.09.2023	22, 25, 29/61/85 of NDPS Act	Sadar Raikot
3.	08	17.01.2024	21, 22/61/85 of NDPS Act	Sadar Dakha
4.	31	11.04.2024	21, 25, 29/61/85 of NDPS Act	Sadar Raikot
5.	156	19.12.2024	22, 25/61/85 of NDPS Act	Sadar Raikot

3. The facts and allegations are taken from the status report filed by the State. On 17-05-2025, based on secret information, the Police seized 39 tablets containing Alprazolam from the possession of the main accused Navjot Singh. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and BNSS, 2023.

4. During custodial interrogation, the main accused, Navjot Singh, confessed before the Police officer that he had purchased the drugs from the petitioner. Based on such

confession before the police, the petitioner was arraigned as an accused. Apprehending arrest, he filed for anticipatory bail from the Sessions Court, which denied him bail. Feeling aggrieved, he has invoked the concurrent jurisdiction of this Court under S. 482 BNSS, 2023.

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

6. 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.

7. The State's counsel opposes bail and refers to the status report.

8. It would be appropriate to refer to the following portions of the status report, which read as follows:

*“The name and total weight of the drug.*

*39 Alprazolam tablets IP 0,5,*

*Total weight 39x121= 4.719 grams”*

9. As per paragraph 12-A of the status report, the contraband is 4.719 grams of Alprazolam.

10. Dealing in 4.719 grams of Alprazolam in contravention of the NDPS Act, 1985, constitutes an offense under the following provisions and notifications:

Substance Name	ALPRAZOLAM
Quantity detained	4.719 Gram
Punishable U/s	S.22(a) of NDPS Act, 1985
Quantity type	Small
Drug Quantity in % to upper limit of Intermediate	4.72%

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

<i>Specified as small &amp; Commercial in S.2(viia) &amp; 2(xxiii) NDPS Act, 1985</i>		
Notification No. & dated	S.O.1055(E)	10/19/2001
Sr. No.	178	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN))	ALPRAZOLAM	
Other non-proprietary name	*****	
Chemical Name	8-chloro-1-methyl-6-phenyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine	
<b>Small Quantity</b>	<b>&lt; 5 Gram</b>	
Commercial Quantity	> 100 Gram	

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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.	30	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN))	ALPRAZOLAM	
Other non-proprietary name	*****	
Chemical Name	8-Chloro-1-methyl-6-phenyl-4H-s-triazolo [4, 3-a] [1, 4] benzodiazepine	

11. Given the above, the 4.719 grams of Alprazolam falls in Small Quantity, which is a bailable offence.

12. 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.

13. Resultantly, the order dated 10.07.2025 passed by the Judge, Special Court, Ludhiana, is set aside.

14. The evidence collected might be prima facie sufficient to launch prosecution or even to frame the charges; however, the offence is bailable.

15. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

16. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

17. The bail order is subject to the petitioner's complying with the following terms.

18. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

19. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

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20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

22. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)  
JUDGE

29.09.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.