



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

106

CRM-M No.50124 of 2025 (O&M)  
Date of Decision :08.09.2025

**Pardeep Kumar**

.....Petitioner

**Versus**

**State of Punjab**

..... Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present : Mr. Sandeep Chopra, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

**SURYA PARTAP SINGH, J. (Oral):**

1. This is second petition for anticipatory bail filed by the petitioner under Section 482 of BNSS.
2. Succinctly, the facts emerging from the record are that for the commission of offence punishable under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, the FIR No.76 dated 02.08.2018 has been registered in Police Station Mallanwala, District Ferozepur and the accused has been arrested in the above mentioned case on 02.08.2018, itself. However, on 24.09.2018, he was released on interim regular bail in the backdrop of the fact that with regard to analysis of the contraband the report of Chemical Examiner was not received. The above mentioned report has been received now and, according to petitioner, the police is trying to arrest the petitioner. Hence, the present petition.
3. In nutshell, the contents of the FIR are that on 02.08.2018, at



about 9.30 P.M. when a police party headed by ASI Narinder Singh was on patrolling duty in Mandi Mallanwala, it spotted a person holding a polythene bag in his hand. As per prosecution when on the basis of suspicion, with the help of torch light, the police party signalled the abovesaid person to stop, he tried to sneak away towards the dark portion of the grain market. As per prosecution he was followed and apprehended by the police party and search of the abovesaid person was conducted by following the laid down procedure. It is a case of the prosecution that in the search of above named person it was found that he was carrying 680 loose intoxicating tablets which were seized and sealed in accordance with law.

4. With regard to above mentioned proceedings, taken up by the police, it is relevant to mention here that at initial stage the contents of the intoxicating tablets and the quantity of intoxicant in the tablets could not be ascertained, and, therefore, on 24.09.2018, learned Special Judge, Ferozpur released the petitioner on interim bail, but subject to the condition that on receipt of report of Chemical Examiner it would transpire that quantity of psychotropic substance recovered from the possession of accused comes within commercial quantity, the interim bail granted to the petitioner shall automatically stands cancelled.

5. It is the case of the prosecution that report of Chemical Examiner has been received and as per the above mentioned report the quantity of psychotropic substance found in the contraband, recovered from the possession of petitioner, is Tramadol Hydrochloride measuring 94.56 mg. per tablet i.e. 643 grams in total, a commercial quantity.

6. In addition to above, it is also relevant to mention that once the



report of Chemical Examiner was received and challan was filed before the Court, the petitioner approached this Court for anticipatory bail, but later on the above said petition was withdrawn on 07.07.2025.

7. A bare perusal of the above mentioned order shows that the first petition was withdrawn by the petitioner when after arguing the matter at length it was sensed that petitioner is not going to get any relief from the Court. In such circumstances, there is a big question mark with regard to maintainability of present petition, i.e. second petition for anticipatory bail.

8. Heard.

9. It has been contended by learned counsel for the petitioner that without any legally sustainable evidence the petitioner has been falsely implicated in the present case and that filing of challan against the petitioner is apparently *mala fide* in view of the fact that despite receipt of report of Chemical Examiner on 18.12.2018, the challan was filed by the police before the learned trial Court in January 2025. According to learned counsel for the petitioner without any fault on the part of the petitioner he is being arrested after 7 years of alleged recovery and that the delay in filing the challan itself renders the petitioner eligible for the benefit of bail.

10. With regard to former application for bail it has been argued by learned counsel for the petitioner that the former petition was not decided on merit and therefore, the second petition for anticipatory bail is maintainable.

11. Per contra, learned State counsel has argued that the quantity of contraband recovered from the possession of petitioner falls within the parameters of commercial quantity and, therefore, the rigors of Section-37 of NDPS Act are applicable to the present case. According to learned State



counsel there is nothing on record to show that any of the twin conditions prescribed under Section-37 of NDPS Act stands satisfied in the present case. According to learned State counsel in the above mentioned circumstances, the petitioner is not entitled for the benefit of bail.

12. The record has been perused carefully.

13. In the present case, it is also relevant to mention here that with regard to certain factual aspects, there is no dispute.

1. that the FIR for the commission of offence punishable under Section 22 of NDPS Act was lodged against the petition;
2. that the petitioner was initially arrested in the above mentioned case but later on enlarged on interim bail;
3. that it was one of the conditions of interim bail that, if on receipt of report of Chemical Examiner quantity of contraband found in possession of petitioner comes out to be commercial quantity, the benefit of interim bail would automatically stand withdrawn;
4. that the report of Chemical Examiner has been received and as per above mentioned report the contraband found in possession of petitioner is commercial quantity.

14. In the present case, at the very outset, it is relevant to mention that this is the second petition for anticipatory bail and the first petition for anticipatory bail was moved by the petitioner on 07.07.2025, The same was withdrawn. The following order had been passed. "After arguing the matter at length, learned counsel for the petitioner wishes to withdraw the present petition. Dismissed as withdrawn. In case, the petitioner surrenders within a



period of two weeks from today, his bail application shall be decided expeditiously by the concerned Court, in accordance with law.”

15. In the present case, it is also relevant to note that right from the very beginning it is the case of the prosecution that petitioner was found in possession of commercial quantity of contraband, and there is nothing on record to show that the petitioner satisfy any of two conditions prescribed under Section 37 of NDPS Act.

16. Therefore, taking into consideration the cumulative effect of all the above mentioned factors, it is hereby held that the present petition is devoid of merit, deserving dismissal. The same is hereby dismissed, accordingly.

**(SURYA PARTAP SINGH)**  
**JUDGE**

**08.09.2025**

*Manoj Bhutani*

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