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

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**CRM-M-23876-2025 (O&M)
Date of decision: 20.05.2025**

Charanjit Ram @ Doma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail to the petitioner in FIR No. 0337 dated 14.12.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Phillaur, District Jalandhar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 14.12.2024, on the basis of suspicion, the petitioner was apprehended by a police party headed by SI Anvar Masih and recovery of 70 tablets of *Etizolam* was effected. Since the petitioner could not produce any license or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an application before the trial Court for grant of regular bail but the same

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had been dismissed, vide order dated 26.03.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Mandatory provisions of Sections 42, 50, 52 and 57 of the NDPS Act were not complied with. In fact, the recovery shown to have been effected from the petitioner was planted upon him. The petitioner has clean antecedents and is not involved in any other such or similar case. The quantity of the recovered contraband does not fall under commercial quantity. Even otherwise, investigation has been completed and *challan* has been filed. The petitioner is in custody since 14.12.2024. The trial is likely to take time to conclude. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned Deputy Advocate General, Punjab has vehemently argued that the petitioner is not entitled to get benefit of bail as he was nabbed at the spot. As per FSL report, the total weight of the recovered intoxicating tablets was found to be 7.49 grams, which is about three times of 2.5 grams, i.e. the threshold for its commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. *Challan* has been filed and the trial is going on at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner was apprehended by the police party on 14.12.2024 and recovery of 70 intoxicating tablets of *Etizolam* was effected from him. The quantity of the recovered contraband obviously falls within the commercial

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quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that if the petitioner is released on bail, he can abscond or indulge in similar offences can also not be stated to be unfounded at this stage. Therefore, in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

20.05.2025

*Wasim Jaisuri***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*