



CRM-M-12288-2025 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112+217

CRM-M-12288-2025 (O&M)
Decided on : 27.05.2025

RAVI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTHPresent: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.**CRM-17709-2025**

1. Counsel for the applicant/petitioner submits that since, the applicant/petitioner has already surrendered before the Jail Authorities, in compliance of the direction passed by this Court, vide its order dated 03.05.2025, present application can be disposed of, as having been rendered infructuous.

2. Ordered accordingly.

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1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-



Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Ravi, aged about 25 years	145	25.08.2024	15 and 29 of NDPS Act	Sadar Dhuri	Sangrur

2. Learned counsel for the petitioner submits that the alleged recovery of 54 kilograms of poppy husk is only marginally above the threshold of non-commercial quantity, which, as per statutory limits, is up to 50 kilograms.

He argues that whether the process adopted at the time of weighing the contraband was conducted in accordance with prescribed norms will be a crucial factor in determining, during trial, whether the recovered quantity qualifies as non-commercial or commercial in nature.

3. It is further submitted that, in any case, quantity recovered falls within the category of intermediate quantity and cannot be strictly termed as a commercial quantity.

4. Counsel also points out that petitioner has no prior involvement in any similar offence, as no other case under the NDPS Act is registered against him. Additionally, it is submitted that the petitioner has been in custody since 23.11.2024, and investigation has already concluded, with the *challan* having been filed before the competent Court.

5. Learned counsel further points out that petitioner was granted interim bail by this Court, vide order dated 03.05.2025 for the purpose of attending the marriage function of his younger sister. In



compliance with the conditions imposed, petitioner duly surrendered before the Jail Authorities within the prescribed time period.

6. It is also submitted that petitioner was not arrested from the spot, and he has been falsely implicated in the case by being named in the FIR. Thus, counsel prays for the grant of regular bail to the petitioner in the present case.

7. On the other hand, learned State counsel confirms the factual submissions made by counsel for the petitioner and informs that, as of now, none of the 22 prosecution witnesses have been examined.

8. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds that in a case where the facts are in dispute and the accused have not been arrested from the spot, burden lies heavily on the prosecution to establish its charges through cogent evidence. Furthermore, the recovered quantity of 54 kilograms of poppy husk, which is slightly above the non-commercial threshold, cannot be unequivocally categorized as a commercial quantity.

9. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, this Court deems it appropriate to grant the concession of bail to the petitioner.

10. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



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11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

13. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

27.05.2025

Lavisha

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**