



CRM-M-4139-2025

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

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**CRM-M-4139-2025
Decided on : 26.05.2025**

AMIT KUMAR ALIAS SONU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Davinder Singh Saini, Advocate,
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

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
Amit Kumar @ Sonu, aged about 43 years	0172	10.10.2024	22 of NDPS Act	Nawanshahar	SBS Nagar

2. Learned counsel for the petitioner submits that petitioner has been in custody since 10.10.2024, with the allegation that total of 20 intoxicating tablets of Etizolam (0.25 mg) were recovered from his possession, which, upon weighing, amounts to 5.16 grams. Although, the said quantity may technically fall under the category of commercial



quantity, it is submitted that the recovered amount is not significantly high. Counsel further argues that the prosecution's version is doubtful, because as per the facts stated in the FIR, petitioner was carrying the tablets in a transparent polythene pouch and allegedly threw it away upon seeing the police.

3. Counsel for the petitioner also submits that investigation is complete and final report has already been submitted. However, the process of recording of statements of the witnesses is yet to start. Therefore, culmination of trial is likely to take considerable time.

Learned counsel for the petitioner further contends that each tablet weighs 0.25 mg, and the total weight comes to 5.16 grams. He submits that whether the weight of the active salt in the tablets falls under the category of commercial or non-commercial quantity is a matter to be determined by the trial Court after the examination of evidence, including the FSL report.

4. It is also submitted that the recovery is stated to be of two strips of tablets; however, the prosecution's version appears to be improbable. Counsel argues that two strips of tablets could have easily been kept in a pocket by any individual, rather than being carried in a transparent polythene pouch, which makes the contents visible to outsiders. In such circumstances, the possibility of false implication cannot be ruled out. Thus, he prays for grant of regular bail to the petitioner in the present case.

5. Learned State Counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, submits that



petitioner is already involved in two other cases under the NDPS Act. However, on being asked by the Court, he concedes that in both of those cases, petitioner has already been granted bail and the alleged recoveries in each instance pertain to non-commercial quantities. Furthermore, learned State Counsel is unable to dispute other factual submissions advanced by the petitioner's counsel, during the course of arguments before this Court.

6. Considering the submissions addressed by counsel from both the sides and upon perusal of the pleadings in the petition, this Court, without making any comments or observations on the allegations pertaining to the petitioner allegedly carrying two strips of tablets in a transparent polythene pouch, deems it appropriate to consider the prayer for grant of regular bail to him, at this stage.

7. 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.

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

9. 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



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independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

26.05.2025

Lavisha

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

Whether Reportable: **YES/NO**