



CRM-M-56101-2025

-1-

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

CRM-M-56101-2025

Date of Decision: 14.10.2025

Jatinder Sharma @ Babbu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pranab Bansal, Legal Aid Counsel, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.76 dated 01.05.2025 under Sections 22(b), 27 of NDPS Act, 1985 and Section 223 of BNS 2023, registered at Police Station Kotwali Bathinda.

2. Succinctly, facts of the case are that on 01.05.2025, the Police party while on patrolling saw two young men sitting on a wooden bench against the wall of Ram Bagh. They were holding one envelope of wax paper. On suspicion, they were apprehended. On asking, they disclosed their names to be Shunty @ Shaki and Jatinder Sharma @ Babbu (petitioner). They were suspected to be carrying some contraband in the envelope being held by them, thus, search of the same was conducted. On conducting search of the envelope, 100 narcotic tablets were recovered. They failed to produce any licence regarding possession of the same, thus, on registration of the FIR, they were arrested on the spot. Samples taken were sent to the FSL. On receipt of the FSL report, the tablets recovered were found to be 26.1 grams of Tramadol Hydrochloride. On framing of charges, the trial commenced. The petitioner approached the Court of learned Special Judge, Bathinda praying for grant of regular bail. However, after hearing both the sides, the



learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 02.07.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that there is violation of provisions of Section 50 NDPS Act. He submits that even otherwise, the alleged recovery found to be containing 26.1 grams of Tramadol Hydrochloride, which is a non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. He submits that the petitioner is behind bars since the date of his arrest. He submits that though the petitioner is involved in six other cases, however, he is on bail in those cases. He submits that co-accused of the petitioner have already been enlarged on bail by learned trial Court. He, thus, submits that the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that on due compliance the provisions of NDPS Act, the petitioner was arrested on the spot alongwith the contraband, which found to be 26.1 grams of Tramadol Hydrochloride. On instructions, he submits that challan has been presented and charges have also been framed. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected in the present case is 100 tablets which were found to be containing 26.1 grams of Tramadol



Hydrochloride which is admittedly a non-commercial quantity. The petitioner is behind bars since 01.05.2025. Charges have been framed. The custody certificate would reflect that he has suffered incarceration of 05 months, 11 days as on 14.10.2025. It further shows that the petitioner is involved in six other cases, out of which in four cases he is on bail and in two cases he has undergone the sentence awarded to him.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time to conclude. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing his bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.10.2025

sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No