



Ninda was found to be containing 40 grams. They failed to produce any licence regarding possession of the same. Hence, they were arrested on the spot and on registration of the FIR, the investigation commenced and recovered substance was sent to the FSL lab and the challan was presented. On framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Hoshiarpur 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 08.05.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He further submits that alleged recovery has been effected from the public place but no independent witness has been joined. He submits that there is violation of Section 50 of the NDPS Act. He further submits that even otherwise the alleged recovery from the petitioner of 60 grams Alprazolam falls under the non-commercial quantity. It is submitted that the petitioner is behind the bars since the date of his arrest i.e. 12.01.2025 but till date there is no progress in the trial. He, thus, submits that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that the petitioner was arrested on the spot. She has submitted that on due compliance of Section 50 of the NDPS Act recovery of 60 grams of contraband was effected from the petitioner. She has placed on record the custody certificate of the petitioner. She submits that the petitioner is also involved in one more case for the offence of similar nature. On

instructions, she submits that the charges have been framed and out of total 11 prosecution witnesses, no witness has been examined so far.

5. After hearing counsel for the parties and perusing the record, it is deciphered that in the present FIR recovery allegedly effected from the petitioner is of 60 grams of Alprazolam, which is admittedly non-commercial quantity. Out of total 11 prosecution witnesses, no witness has been examined so far. The custody certificate would reflect that the petitioner is behind the bars since the date of his arrest and has suffered incarceration of 05 months & 21 days as on 04.07.2025. He is involved in one more case, however, he is on bail in that case.

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. Thus, keeping in view the arguments raised by both the sides, 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 his furnishing 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.

**07.07.2025**  
*Parveen kumar*

**(RAJESH BHARDWAJ)**  
**JUDGE**

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