

CRM-M-2183-2025

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2025:PHHC:029845



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

CRM-M-2183-2025

Date of Decision:03.03.2025

BALRAJ SINGH ALIAS KAKA

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. C.L.Pawar, Advocate with
Mr. Satveer Singh Badal, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.162 dated 26.7.2023 registered for the offence punishable under Section 22(C) of NDPS Act at Police Station Lambi, District Sri Muktsar Sahib.

2. The allegations in brief are that on 26.7.2023, the police recovered 45 tablets of Etizolam 0.5mg from possession of the present petitioner and co-accused Sikander Singh @ Ghona. Both of whom were arrested at the spot.

3. Counsel for the petitioner submits that the petitioner is



falsely implicated in the present case and is in custody for the last more than 1 year and 7 months and is enlarged on bail in one another case faced by him under NDPS Act regarding recovery of small quantity of contraband. It is further submitted that the recovery effected from the petitioner and his co-accused in the present case is just marginally above the commercial quantity which is prescribed as 2.50 grams. Counsel for the petitioner further submits that similarly situated co-accused Sikander Singh @ Ghona is already given concession of regular bail by this Court vide order dated 07.03.2024 (Annexure P-2) and that it will take time for the trial to conclude and in the given circumstances, further detention of the petitioner in judicial custody is not going to serve any purpose.

4. Present petition is resisted by the State counsel, who submits that the recovery effected in the instant case from petitioner and co-accused Sikander Singh @ Ghona comes under commercial quantity and thus is covered by stringent provisions of Section 37 of NDPS Act. However, the State counsel on instructions from SI Karamjit Kaur has not disputed the fact that the petitioner is behind the bars for the last more than 1 year and 7 months and that it will take time for the trial to conclude as another 5 prosecution witnesses are still to be examined.

5. I have considered the submissions made by the counsel for the parties.

6. In case of Etizolam, commercial quantity starts from just above 2.50 grams. As has been admitted by the State counsel, in the



present case, recovery effected comes out to be 2.52 grams, meaning thereby, that it is just 0.02 grams above the upper limit provided for non-commercial quantity. Further, the petitioner is in custody for the last more than 1 year and 7 months and is released on bail in one another case faced by him under NDPS Act and further it will take considerable time for the trial to terminate as 5 more witnesses are to be examined on behalf of the prosecution. Similarly situated co-accused Sikander Singh @ Ghona is already given concession of regular bail by this Court vide order dated 07.03.2024 (Annexure P-2) in this very case. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

03.03.2025

Priyanka Thakur

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No