



CRM-M-51874-2025

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

CRM-M-51874-2025

Date of Decision: 25.09.2025

HARPREET KASHYAP

..... Petitioner

*Versus***STATE OF PUNJAB**

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. J.S. Thakur, Advocate
for the petitioner (Through V.C).

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is the second application under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.11, dated 25.01.2025, registered at Police Station Division No.2, Jalandhar Commissionerate, under Section 22 of NDPS Act, 1985 and charges framed under Sections 22(b), & 22 (c) of NDPS Act, 1985.

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. As per prosecution case, police party apprehended Nitin Gogna and petitioner-Harpreet Kashyap and 500 tablets of Aprazolam were recovered from his possession whose weight comes to 51.5 grams while 900 tablets were recovered from co-accused Nitin Gogna. Subsequently, he also got recovered 1800 tablets more of Aprazolam.



After completion of investigation, challan has been presented.

4. Learned counsel for the petitioner argued that the petitioner has been falsely implicated in the present case. Learned counsel further contended that mandatory provisions of NDPS Act have not been complied with and the entire writing work was done while sitting in the police station. Petitioner is in custody since 28.01.2025. The trial is likely to take sufficiently long time to conclude and in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that the petitioner was apprehended alongwith co-accused namely Nitin Gogna from whom 900 tablets were recovered while 500 tablets of Aprazolam were recovered from the possession of the petitioner whose weight comes to 51.5 grams and in view of the gravity of the offence, the petitioner does not deserve the concession of bail.

6. In the present case, 500 tablets of Aprazolam were recovered from the possession of the petitioner whose weight comes to 51.5 grams while 900 tablets were recovered from co-accused Nitin Gogna. Learned Trial Court has rejected the bail application by observing that 191.5 grams of Aprazolam has been recovered from both the accused which falls within commercial quantity and rigors of Section 37 of NDPS Act are attracted. However, a Coordinate Bench of this Court in Law Finder Doc Id # 2661698 titled '*Satnam Singh Vs. State of Punjab*' decided on 22.10.2024 has held that recovery from co-accused cannot be clubbed to bring the quantity within the commercial quantity. In the present case, the petitioner is in custody since 28.01.2025. He is not involved in any other



case under NDPS Act. Investigation and trial is likely to take long time to conclude and further detention of the petitioner is thus not required.

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.

(YASHVIR SINGH RATHOR)
JUDGE

25.09.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No