



**CRM M-357-2025 (O&M) [1]**

**310**

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

**CRM M-357-2025 (O&M)  
Date of Decision: 06.02.2025**

**Mohammad Sameer**

**...Petitioner**

**VERSUS**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present : Mr. S.S. Sohi, Advocate for the petitioner.  
Mr. Siddharth Sandhu, AAG, Punjab.

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**HARKESH MANUJA, J. (ORAL)**

By way of present 3<sup>rd</sup> petition filed under Section 483 of BNSS, 2023, prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.53 dated 12.04.2023 under Sections 22, 61, 85 of the NDPS Act, 1985, registered at Police Station City-1, Malerkotla, District Malerkotla, whereby the petitioner has been implicated with the allegation of recovery of 85 plastic vials of make Chlorpheniramine Maleate Codeine Phosphate Syrup-Omerex Cough Syrup.

2. While referring to the report of FSL, learned counsel for the petitioner submits that upon analysis '*Chlorpheniramine Maleate and Codeine Phosphate*' has been found in parcels which do not find mention under the prohibited salts/ psychotropic substance under the provisions of NDPS Act and thus, the petitioner deserves the concession of bail.

3. On the other hand, the prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the recovery in the present case is huge and petitioner

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is also involved in one more case under NDPS Act, thus he does not deserve the concession of bail.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges and only 01 prosecution witness has been examined out of total 21. The petitioner is in custody for the last more than 01 year and 09 months. So far as the other FIR is concerned, wherein the petitioner was implicated with the allegations of being present in the medical store run by his brother, he has already been granted the concession of regular bail by this Court vide order dated 13.12.2022 passed in CRM M-160-2022, in such circumstances, considering the fact that the trial is likely to take some time, I do not find any justification to extend the incarceration of the petitioner.

6. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/ surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

06.02.2025  
sanjay

( HARKESH MANUJA)  
JUDGE

Whether speaking/reasoned ?	Yes/No
Whether Reportable ?	Yes/No