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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47117-2024

Date of decision:-28.04.2025

RAM PAL ALIAS RAM LUBHAYA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. Rajender Singh Battha, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant second petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in the following case (Annexure P-4):-

FIR No.	Dated	Sections	Police Station
53	19.04.2024	18(C), 21 of NDPS Act and 25 of Arms Act (25, 27-A, 29 NDPS added later on)	Satnampura, District Kapurthala

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case by the police due to political vendetta. He contends that the petitioner has no concern whatsoever with the alleged recovery and is in custody since 19.04.2024, after completion of investigation challan has already been



presented in Court, and conclusion of trial will take sufficient long time. Hence, prays for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that on the basis of secret information, raid was conducted and present petitioner was apprehended and recovery of 03 Kg Opium, 200 grams of heroin and one 32 bore pistol with 06 live cartridges and ₹5,07,000/ drug money was effected from him. He submits that petitioner is habitual offender and is involved in 4 more cases under NDPS Act, as such, he is not entitled to the concession of bail.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered by the police on the basis of secret information raid was conducted and present petitioner was apprehended, and alleged recovery of 03 Kg Opium, 200 grams of heroin and one 32 bore pistol with 06 live cartridges and ₹5,07,000/ drug money was effected from him. Admittedly, as per the reply submitted by the State, petitioner is also involved in four more case under NDPS Act. Therefore, considering the nature and gravity of the offence, as well as the the fact that the recovered contraband in the present case i.e 03 kg of opium, falls within the purview of 'commercial quantity', apart from the recovery of heroin, drug money, weapon and cartridges, attracting bar under Section 37 of the NDPS Act, and also the fact that petitioner is involved in four more NDPS cases, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the bail petition is hereby dismissed.



5. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

6. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

28.04.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No