

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55785-2024
Reserved on: 07.08.2025
Pronounced on: 22.08.2025

Gurmeet Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Brar, Advocate,
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
42	22.03.2023	Kot Ise Khan, Distt. Moga	22, 29 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court third time under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 8 of the bail application, the petitioner has no criminal antecedents.

3. Vide order dated 03.04.2025, the petitioner was granted interim bail by the co-ordinate Bench of this Court, which continues to date.

4. The facts and allegations are taken from the status report filed by the State. On 22.03.2023, based on a chance recovery, the Police seized 170 tablets of Etizolam from the petitioner's possession. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and CrPC, 1973.

5. The petitioner's counsel seeks bail on the grounds of prolonged pretrial custody.

6. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

7. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a

CRM-M-55785-2024

sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Special Judge or Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

8. The State's counsel opposes bail and refers to the status report.

REASONING:

9. As per paragraph 5 of the status report, the name of the contraband is Etizolam salt and its weight is 22.78 grams, and it constitutes an offense under the following provisions and notifications:

Substance Name	Etizolam
Quantity detained	22.78 Gram
Quantity type	Commercial
<i>Drug Quantity in % to upper limit of Intermediate</i>	911.20%

<i>Drug's Small & Commercial Qty. suggested by Committee report</i>	
Notification No. & date	S.O. 1351 (E) dated 13.03.2019
Punishable U/s	S.22(c) of NDPS Act, 1985

<i>Specified as small & Commercial in S.2(viia) & 2(xxiii) NDPS Act, 1985</i>		
Notification No. & dated	S.O.1276(E)	3/23/2021
Sr. No.	238ZZC	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN))	Etizolam	
Other non-proprietary name	*****	
Chemical Name	4-(2-Chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3a][1,4]diazepine	
Small Quantity	< 0.05 Gram	
Commercial Quantity	> 2.5 Gram	

Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) &
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2(xxiii) NDPS Act, 1985		
Notification No. & dated	S.O.1275(E)	3/23/2021

Sr. No.	110ZN
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	Etizolam
Other non-proprietary name	*****
Chemical Name	4-(2-Chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3a][1,4]diazepine

10. The quantity allegedly involved in this case is commercial. Given this, the rigors of S. 37 of the NDPS Act apply in the present case. The petitioner must satisfy the twin conditions set forth by the Legislature under Section 37 of the NDPS Act.

11. In Sajan Abraham v State of Kerala, 2004 (4) SCC 441, the Hon'ble Supreme Court granted bail for possessing Buprenorphine because there was evidence that did not rule out that the Buprenorphine that was recovered was for personal consumption. However, this is not the petitioners' stand, as such the said judgement does not apply to the facts

12. The petitioner is entitled to bail because, in somewhat similar cases where the quantity involved was either greater than or close to the amount seized in the current FIR, the Hon'ble Supreme Court has granted bail after prolonged custody, as demonstrated by the following judicial precedent.

13. Junaid Alam v. State of Uttarakhand, decided on 12 Aug 2024, SLP(Crl.) 7708-2024, Hon'ble Supreme Court holds,

[2]. It is pointed out that the petitioner has been in custody for last more than 18 months since he was arrested on 25.01.2023. It is then submitted that only 3 out of the 10 cited prosecution witnesses have been examined and they have not said anything to connect the petitioner with the crime.

[3]. The learned counsel for the State would submit that the concerned Contraband are medicinal drugs but they are sold for profit. Moreover, it is of commercial quantity.

[4]. We have perused the nature of the Contraband i.e., the prohibited medicines (SYP Codectus 100 Bottles (100 Ml each), Cap Pyeevon Spas Plus 720 Cap Parvion Spas 800 Capsules, Spasonof NF 960 capsules, Capsules Spasmoproxyvon Plus 144,

Proxywell Spas 2568 Capsules, Alprasaft Table 600 Tablets, Pyeevon Spas Plus 32 Capsules).

[5]. Having considered the above and the fact that the trial is unlikely to conclude on a near date, we are of the view that the petitioner – Junaid Alam deserves to be granted bail. It is ordered accordingly. Appropriate bail conditions be imposed by the trial court.

14. As per the custody certificate dated 06.08.2025, the petitioner was enlarged on bail after custody period of 02 years and 15 days in the present FIR.

15. The petitioner was granted interim bail, and at that time, the Court was also aware of the quantity being commercial. During the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or failed to join the trial.

16. **Petition allowed** in terms mentioned above. The interim order dated 03.04.2025 is made absolute. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

22.08.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.