



255.

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

CRM-M-3253-2025 (O&M)

Date of decision: 06.03.2025

Anil

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Riffi Birla, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-2330-2025

Application is allowed, as prayed for.

CRM-M-3253-2025

The petitioner is seeking the concession of bail under Section 483 of BNSS, 2023, in case FIR No.500, dated 11.12.2022, under Section 22 of the NDPS Act, 1985, registered at Police Station City Ferozpur, District Ferozpur.

Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that he has no previous criminal antecedents much less ever being involved in any case under the NDPS Act. It has been submitted that a recovery of 3.98 grams of tablets of etizolam was allegedly recovered from the petitioner when he was said to have been intercepted by the police on suspicion. It has been contended by the learned



counsel that the alleged recovery, though falsely planted upon the petitioner, is just marginally higher than the minimum classified as commercial i.e. 2.5 grams, under the NDPS Act. It has also been submitted that after the challan was presented on 20.06.2023, charges were framed on 17.10.2023, however till date only 03 prosecution witnesses had been examined, hence there is no possibility of the trial concluding in the near future. A prayer has, therefore, been made for enlarging the petitioner on bail.

Per contra, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner as well as the stage of trial. However, it has been submitted that although the alleged recovery is marginally higher than the minimum classified as ‘commercial’ under the NDPS Act, it was affected from the personal search of the petitioner.

On a pointed query posed to the learned State counsel, it has not been disputed that the petitioner has no previous criminal antecedents.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody for close to two years having been arrested on 11.12.2022. The trial is still underway as only 03 prosecution witnesses out of 09 have been examined till date. The alleged recovery, though classified as commercial, is marginally higher than the minimum prescribed as ‘commercial’ under the NDPS Act.

In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.



Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

March 06, 2025

sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No