



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-18716-2025

Date of Decision:-28.07.2025

Rawal Ram.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ajaypal Singh Sandhu, Advocate for the Petitioner.

Mr. Gaurav Khathuira, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 read with Section 37 of the NDPS Act is for the grant of regular bail in case FIR No.136 dated 17.08.2024 under Sections 18 of the NDPS Act, 1985 registered at Police Station Dharamkot, District Moga.

2. The brief facts of the case are that petitioner-Rawal Ram and his co-accused Jassu Ram @ Jasuram (since granted the concession of bail vide order dated 04.04.2025 passed in CRM-M-17321-2025) came to be apprehended with 2Kg and 700 grams of Opium.

3. The Counsel for the petitioner contends that 2Kg 700 Grams of Opium has been recovered from the petitioner and his co-accused which is marginally above the commercial quantity of 2.5 Kg. As the petitioner is a first time offender, in custody since 21.08.2024 and only 02 of the 14 prosecution witnesses have been examined so far, he is entitled to the concession of bail, moreso when his co-accused Jassu Ram @ Jasuram has been granted the similar concession.

4. The Counsel for the State, on the other hand, contends that recovery of 2Kg 700 grams of Opium came to be effected from the



petitioner and his co-accused which falls into the commercial quantity category. Therefore, the petitioner is not entitled to the concession of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 21.08.2024, only 02 of the 14 prosecution witnesses have been examined so far and that the co-accused had been granted the concession of bail.

5. I have heard Counsel for the parties.

6. In the cases of '*Sukhchain Singh @ Manga Versus State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh versus State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya versus State of Punjab (CRM-M-37645-2021)*' decided on 11.11.2022, '*Jang Kanwar Versus State of Punjab (CRM-M-53415-2021)*' decided on 19.01.2022, '*Shankar Prashad Chanau Versus The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar Versus State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim Versus State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Gagandeep Versus State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi Versus State of Punjab, CRM-M-41039-2019, decided on 26.02.2020, Dalbara Singh Versus State of Punjab, CRM-M-47880-2022 decided on 16.01.2023*', '*Vivek Watts versus State of Punjab, CRM-M-13791-2022 decided on 15.02.2023, Rajender Singh @ Raju versus State of Haryana, CRM-M-47528-2022 decided on 02.03.2023 and Sukhwinder alias Sukha versus State of Haryana, CRM-M-47859-2022 decided on 13.03.2023*', where the recovery from the accused was marginally above the commercial quantity for the respective contraband in each case, the Court granted bail to the accused therein.

7. Admittedly, the recovery from the petitioner and his co-accused is of 2Kg 700 gram. The said recovery which is marginally above the commercial quantity of 2.5Kg. He is a first time offender, in custody since 21.08.2024 and only 02 of the 14 prosecution witnesses have been examined till date. Therefore, the further incarceration of the petitioner is not required when his co-accused has already been granted the concession of bail.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Rawal Ram** son of Sh. Budharam is ordered to be released on bail subject to his furnishing bail bonds and surety



bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 28, 2025

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>