



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

**CRM-M-49985-2025
Date of decision: 08.09.2025**

JAGDEEP PAL ALIAS SIDHU ALIAS GUGGI

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. This is the first petition filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.35 dated 13.03.2025 under Sections 22, 29 of NDPS Act, 1985 registered at Police Station Sadar Nakodar, District Jalandhar, Rural (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR; custodial interrogation of the petitioner is not required, as the recovery has already been effected; the petitioner was earlier granted the concession of interim bail by learned Judge, Special Court, Jalandhar vide order dated 19.04.2025 and he never misused the said concession; the petitioner is not involved in any other case and he is ready and willing to surrender before trial Court to face trial.
3. Notice of motion.
4. Mr. Sandeep Kumar, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent-State and submits that huge quantity i.e. 112 intoxicant tablets consisting of 11.648 grams of salt Etizolam, has



been recovered from the possession of petitioner, which falls under the category of commercial quantity and attracts the rigours of Section 37 of the Act. As such, the petition for anticipatory bail of the petitioner is not maintainable as he was released on interim bail from the custody due to non-receipt of FSL report till receiving of FSL report.

5. Heard.

6. Keeping in view the rival contentions of learned counsel for the parties as well as the fact that the petitioner was granted interim bail by learned trial Court on the ground that chemical examiner report was not received in the case and a condition was imposed that if on receipt of the report, the quantity of recovered contraband falls within the ambit of commercial quantity, the petitioner shall surrender himself before the Court. As per the chemical examiner report, contraband is 112 intoxicant tablets consisting of 11.648 grams of salt Etizolam, which comes under the category of commercial quantity. The trial Court is empowered to release an undertrial by imposing conditions as it deems fit under the provisions of Section 438 Cr.P.C. regarding pre-arrest bail. The Hon'ble Supreme Court in **Manish Jain vs. Haryana State Pollution Control Board, 2020 (20) SCC 123** has held that:

“2. A person released on bail is already in the constructive custody of law. If the law requires him to come back to custody for specified reasons, we are afraid that an application for anticipatory bail apprehending arrest will not lie. There cannot be an apprehension of arrest by a person already in the constructive custody of the law. We, therefore, reject the prayer for anticipatory bail.”

8. Petitioner is filing this petition under apprehension of arrest on account of cancellation of conditional bail granted by the trial Court. As held in the case of ***Manish Jain (supra)***, a person who is in constructive custody of



law can't seek anticipatory bail. Moreover, there is no allegation that petitioner was harassed by any investigating agency or was falsely implicated. In these circumstances, this Court finds no merit to interfere in the said order of the lower Court qua releasing the petitioner on bail subject to certain conditions. Therefore, the petitioner is directed to surrender himself before the trial Court and thereafter, to move an appropriate application seeking concession of regular bail. Hence, the present petition stands dismissed.

9. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

September 08, 2025
manisha

(SUBHAS MEHLA)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |