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

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**CRM-M-16695-2025 (O&M)
Date of decision: 07.07.2025**

Amba Lal Gurjar**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Angad Chahal, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 22 dated 07.05.2023, registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Smalsar, District Moga. The first petition, bearing number CRM-M-30900-2024, was dismissed as withdrawn on 06.11.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.05.2023, on the basis of a secret information, the petitioner and co-accused Bheru Lal Gurjar and Kismat Lal Gurjar, while coming in a car bearing registration number RJ-27-CL-1484, were apprehended by a police party and recovery of 05 kgs. of opium was effected from them. All of them were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along

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with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The recovered contraband was in fact planted one. Mandatory provisions of Sections 42 and 52 of the NDPS Act were not properly complied with. The petitioner is not involved in any other case. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 07.05.2023. The above named co-accused, who are similarly situated with the petitioner, have already been granted concession of regular bail by this Court, vide orders dated 25.10.2024 and 06.11.2024 passed in CRM-M-52382-2024 and CRM-M-34536-2024, respectively. On the ground of parity, the petitioner too deserves the same benefit as no useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. *Per contra*, learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he along with co-accused was apprehended at the spot and recovery of 05 kgs. of opium, which falls under commercial quantity, was effected from them. The trial is going on at a proper pace. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. Admittedly, the above named co-accused, who are similarly situated with the present petitioner and were travelling with him in the same car, have been granted concession of regular bail by this Court. The petitioner is in custody since 07.05.2023. Conclusion of trial is likely to take time. Keeping in view the

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aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

07.07.2025*Wasim Zairi***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*