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

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CRM-M-20192-2025 (O&M)
Date of decision : 08.09.2025

Arshdeep Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail to the petitioner in FIR No. 66 dated 01.09.2024, registered under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Mehna, District Moga.

2. Brief facts of the case relevant for the disposal of the present petition are that on 01.09.2024, the petitioner and co-accused Sahilpreet Singh were spotted by a police party while they were talking with each other by standing near two vehicles. On seeing the police party, both of them threw polythene bags, which they were carrying and a mobile phone. They were apprehended. Notices under Section 50 of the NDPS Act were given to them. After completion of due formalities, the polythene bag, thrown by the co-accused, was checked and recovery of 60 loose tablets was effected from the same, whereas 65 loose tablets were recovered from the polythene bag thrown by the present petitioner. During interrogation, accused Sahilpreet Singh

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disclosed that his parents Beant Singh and Sarabjit Kaur were indulged in smuggling of intoxicant tablets since long and he had to supply the recovered tablets to customers as per instructions of his parents. The above named persons were nominated as accused in this case. Co-accused Sahilpreet Singh was subsequently found to be a juvenile. Challan qua him was presented before the Principal Magistrate, Juvenile Justice Board, Moga. Investigation now stands completed.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner and co-accused, was planted by the police officials. The entire family of the petitioner has been falsely implicated in this case at the instance of SHO Arshpreet Kaur. The story put forth by the police party is concocted one. The petitioner has clean antecedents and is not involved in any other case. Co-accused Kulwinder Kaur and Sarabjit Kaur have been granted concession of regular/anticipatory bail by this Court. On the grounds of parity, the petitioner too deserves to be granted the same benefit. Even otherwise, investigation has since been completed and challan has been presented. The trial is likely to take a long time. The petitioner is in custody since 01.09.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Reply along with custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be

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dismissed.

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

6. As per the allegations, the petitioner along with co-accused was apprehended by the police party on 01.09.2024 and total 125 intoxicating tablets were recovered from them, out of which, 41 tablets were found to be having salt of *Alprazolam*, whereas 84 tablets were found to be having salt of *Etizolam*. The quantity of the contraband having salt of Etizolam itself falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The case of the above mentioned co-accused cannot be stated to be at par with the present petitioner. Keeping in view the aforesaid facts and circumstances, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

08.09.2025

Wasim Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No