

2025:PHHC:060731



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

CRM-M-18445-2025 (O&M)

Reserved on : 07.05.2025

Pronounced on : 08.05.2025

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

Present:- Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

MANISHA BATRA, J.

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 in case arising out of FIR No. 315 dated 27.06.2024, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Barnala, District Barnala. The first petition, bearing number **CRM-M-48330-2024**, was dismissed as withdrawn on 01.10.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 27.06.2024, on the basis of a secret information, the petitioner along with co-accused Vakeel Singh, Gurpyar Singh and Rohit Kumar were apprehended by a police party headed by SI Manjit Singh from the cotton market and recovery of total 700 loose intoxicant tablets (Alprazolam) was effected from them. They were formally arrested at the spot. After completion of

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necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. As per prosecution case, total 700 intoxicant tablets were recovered in this case. However, from the personal search of the petitioner, only 80 tablets of the said salt were recovered and the weight of the same, as per FSL report, comes 12.16 grams only, which is much below the commercial quantity. It is further submitted that if the entire weight of the recovered tablets i.e. 700 is taken together, even then the quantity of recovered contraband does not fall within the ambit of the commercial quantity, the same being 100 grams. It is further argued that the investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in judicial custody since 27.06.2024. He is not involved in any other case under the NDPS Act. No useful purpose would be served by keeping him in custody anymore as he is no more required for any custodial interrogation. Co-accused Vakil Singh, Gurpiar Singh, Vivek Kumar @ Debal Shooter and Rohit Kumar have already been granted concession of regular bail by this Court, vide common order 18.03.2025, order dated 18.12.2024 as well as order dated 25.04.2025 passed in ***CRM-M-10936-2025***, ***CRM-M-1977-2025***, ***CRM-M-62712-2024*** and ***CRM-M-18780-2025***, respectively. On the grounds of parity, the petitioner too deserves to be granted the same benefit. Hence, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

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4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he along other co-accused was apprehended by the police party at the spot on 27.06.2024 and recovery of total 700 intoxicant tablets of *Alprazolam* was effected from them. The trial is going on at a proper pace. It is, thus, argued 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, 95 tablets of *Alprazolam* was recovered from the personal search of the petitioner and the weight of the same, as per FSL report, comes to 12.16 grams only, which is much below the commercial quantity. Even the quantity of the entire recovered intoxicant i.e. 700 tablets of *Alprazolam* itself does not fall within the ambit of the commercial quantity. The petitioner is in custody since 27.06.2024. He is not shown to be involved in any other case under the NDPS Act. Investigation has since been concluded and *challan* has been presented. Conclusion of trial is likely to take time. Similarly situated co-accused have already been granted concession of regular bail by this Court, as mentioned above. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner 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.

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

08.05.2025

Waseem Akhbari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No