



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

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**CRM-M-62763-2025 (O&M)  
Date of decision : 05.03.2026**

Raj Kumar @Raja

..... Petitioner

VERSUS

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present : Mr. P.S. Sekhon, Senior Advocate with  
Ms. Nitika, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

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**SURYA PARTAP SINGH, J.**

This petition for bail is the second petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.21 dated 12.03.2025, for the commission of offence punishable under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act', Police Station Mehtiana, District Hoshiarpur.

2. The abovementioned FIR came into being at the instance of 'SI Satnam Singh', who reported that when he was leading a team of police officials, deputed for patrolling duty, a person was spotted during the return journey from Village Ahirana. As per above-named police officer, the abovesaid person when noticed the presence of police party, got nervous and thereafter, picked-up a polythene bag from the right pocket of his trousers, and threw the same on the roadside. According to above-named police



officer, pursuant to abovementioned suspicious behaviour, the abovesaid person was apprehended, who on enquiry disclosed his name as 'Raj Kumar' (petitioner herein). It was further reported by the above-named police officer that when the contents of the packet thrown by the above-named person were checked, it was found that in the abovementioned bag, he was carrying 100 loose intoxicating tablets.

3. It is the case of the prosecution that pursuant to recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and formal arrest of the accused were performed, and further investigation taken up.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended by learned Senior Counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. It has been further contended by learned Senior Counsel for the petitioner that in the present case, the contraband was not found in conscious possession of the petitioner, and therefore, rigors of Section-37 of NDPS Act are not attracted in this case.

7. In addition to above, the learned Senior Counsel for the petitioner while referring to the observations made by this Court in CRM-M-24404-2024 titled as 'Pawan Kumar V/s State of Punjab', has contended that the total weight of the psychotropic substance allegedly found in the



possession of petitioner comes out to be 11.2 gms, and that in view of observations in the abovementioned judgment, the abovementioned quantity being less than 100 gms should not be treated as commercial quantity.

8. With regard to former petition for bail filed by the petitioner, it has been contended by learned Senior Counsel for the petitioner that the former petition for bail was not decided on merits, and that at the time of disposal of former bail petition, which was dismissed as withdrawn, a liberty was accorded to the petitioner to file fresh petition.

9. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the quantity of contraband recovered in this case comes within the ambit of 'commercial quantity', and therefore, unless the twin conditions prescribed under Section-37 of NDPS Act are satisfied, the benefit of bail should not be accorded to the petitioner.

10. The record has been perused carefully.

11. A perusal of record shows that this is the second petition for bail, filed by the petitioner. The first petition for bail was dismissed on 14.07.2025, and there is nothing on record to show that from the date of dismissal of first bail petition, there is any significant change in the relevant circumstances, which may render the petitioner to be eligible for filing the second petition. Only a short period of seven months has elapsed from the date of dismissal of former bail petition, and this period by any standard cannot be treated to be a period of long incarceration, which may render the petitioner eligible to entertain this second petition.



12. As far as the arguments with regard to conscious possession is concerned, in view of the fact that there are very specific allegations in the FIR itself that the petitioner when noticed the presence of police party had thrown the packet, and the abovementioned action of the petitioner was duly noticed by the Investigating Officer, who collected the packet and checked the contents thereof, makes it abundantly clear that the petitioner was in conscious possession of the contraband. In view of abovementioned factual matrix of this case, this argument of learned counsel for the petitioner does not hold good that once the packet was thrown by the petitioner, he cannot be treated to be in conscious possession of the contraband.

13. The third leg of argument of learned counsel for the petitioner is that, that the quantity of contraband recovered from the possession of petitioner should not be treated to be a commercial quantity. Qua abovementioned aspect, it is relevant to mention here that vide Notification No.S.O.1276(E) dated 23.03.2021, the quantity of Etizolam has been prescribed by the Central Government, and unless the abovementioned Notification is set aside, the lower threshold for commercial quantity has to be considered as per abovementioned Notification only. Thus, it is hereby held that this argument, too, has got no force that the quantity of contraband found in possession of petitioner does not come within the ambit of 'commercial quantity'.

14. In addition to above, one more relevant aspect to be taken into consideration is that, that the petitioner does not have clean antecedents. The custody certificate shows that there are several cases, wherein the petitioner is facing prosecution, and those cases include the cases under NDPS Act.



15. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby held that being devoid of merit the present petition, which is second petition for bail, deserves dismissal. Hence, the same is hereby *dismissed*, accordingly.

16. However, it is clarified that the abovementioned observations shall not have any bearing upon the merits of the case.

17. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

**(SURYA PARTAP SINGH)**  
**JUDGE**

**05.03.2026**

*Gaurav Thakur*

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No