



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

**CRM-M-16709-2026 (O&M)
DECIDED ON: 20.04.2026**

DEEPAK KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Ishan Gupta, Advocate and
Ms. Muskan Gupta, Advocate
for the petitioner.

Mr. Navraj Singh Mahal, DAG, Haryana.

MANDEEP PANNU, J (ORAL)

1. This is the first petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (439 Cr.P.C) for grant of the concession of regular bail to the petitioner in case FIR No. 322, dated 01.12.2025, registered under Section 22(b), 27, 27(A) of the NDPS Act, 1985 at Police Station Sadar Lambi, District Sri Muktsar Sahib.

2. As per the prosecution case, on 01.12.2025 the police party allegedly effected recovery of 20 tablets of ETIKEM 0.5 (Etizolam Tablets IP 0.5 mg), 18 tablets of Alpz-0.5 (Alprazolam Tablets IP), and 200 tablets of Zentadol-100 (Tapentadol Hydrochloride Tablets) along with cash amount of Rs.1,17,000/- alleged to be drug money from the present petitioner and three other co-accused.



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that the prosecution has failed to comply with the mandatory provisions of the NDPS Act. He further submits that despite the alleged recovery having been effected from a public place, no independent witness has been associated, thereby casting serious doubt on the credibility of the prosecution version. It is further submitted that there has been no proper compliance of Sections 42, 52 and 57 of the NDPS Act, which are mandatory in nature. Such procedural lapses, it is argued, go to the root of the matter and materially weaken the prosecution case. It has been further submitted that the petitioner is on parity with co-accused, namely, Sukhbir Singh, who has already been granted the concession of regular bail by this Court vide order dated 11.03.2026 passed in CRM-M-11867-2026.

4. *Per contra*, learned State counsel has filed the custody certificate of the petitioner alongwith status report dated 17.04.2026, which is taken on record. In compliance of the order dated 18.04.2026, IO ASI Sawinder Singh is present in Court and filed his affidavit dated 19.04.2026 and the same is taken on record. Learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground of the seriousness of the allegations and the recovery effected in the present case i.e. 20 tablets of ETIKEM 0.5 (Etizolam Tablets IP 0.5 mg), 18 tablets of Alpz-0.5 (Alprazolam Tablets IP), and 200 tablets of Zentadol-100 (Tapentadol Hydrochloride Tablets) along with drug money of Rs.1,17,000/-.

5. I have heard learned counsel for the parties and have gone through the record.



6. It is not in dispute that the petitioner has suffered incarceration for a period of 04 months and 13 days. As per the report of the Drug Control Officer, the alleged recovery attributed to the petitioner primarily falls within small or non-commercial quantity and Tapentadol allegedly does not fall within the ambit of the NDPS Act. The investigation in the present case is stated to be complete and no further recovery is to be effected from the petitioner. Furthermore, the petitioner is on parity with co-accused, namely, Sukhbir Singh, who has already been granted the concession of regular bail by this Court vide order dated 11.03.2026 passed in CRM-M-11867-2026.

7. Regarding recovery of Rs.1,17,000/- as drug money from the petitioner alongwith other co-accused, *prima facie* there is no evidence to link the present amount as drug money. It has been held by a Coordinate Bench of this Court in '**Parveen @ Raman vs. State of Punjab**', CRM-M-48691-2024 decided on 18.10.2024.

14. At the stage of invocation of Section 27A, there was no prima facie evidence of financing, directly or indirectly. Thus, the rigors of Section 37 of the NDPS Act shall also not attract."

8. Without commenting upon the merits of the case and considering the period of custody already undergone by the petitioner, this Court is of the view that further incarceration of the petitioner would serve no useful purpose.

9. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate concerned.



10. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

11. All pending miscellaneous application(s), if any, stands disposed of.

20.04.2026

Poonam Negi

**(MANDEEP PANNU)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No