



CRM-M-73769-2025 (O&amp;M)

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

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**CRM-M-73769-2025 (O&M)  
Date of Decision : 14.01.2026**

Ninder

...Petitioner

VERSUS

State of Punjab

...Respondents

**CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. I.S.Deol, Advocate for the petitioner.

Mr. H.S.Wadhwa, DAG, Punjab.

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**MANDEEP PANNU J. (Oral)**

1. The jurisdiction of this Court has been invoked under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in FIR No.146, dated 06.10.2025, under Sections 21, 22 and 29 of the NDPS Act, 1982, registered at Police Station Bhogpur, District Jalandhar Rural, Punjab.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further submits that challan in the present case is yet to be presented and the contents of the alleged 70 loose intoxicant tablets recovered from the handkerchief thrown by the petitioner are yet to be ascertained. Even otherwise, the alleged recovery of heroin recovered is only 16 grams and 9 mg, which is non-commercial. He further submits that the petitioner has been in custody since 06.10.2025 and trial is likely to take some time to conclude.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record, to demonstrate that the



petitioner has suffered incarceration for a period of 03 months and 05 days. He seeks dismissal of the present petition on the ground that the petitioner is a habitual offender and 09 other cases under the NDPS Act are pending against the petitioner. It is further submitted that the FSL report of loose intoxicant tablets is awaited.

4. I have heard learned counsel for the parties and perused the record.

5. As regards the submission of learned State counsel that petitioner is involved in other/nine more cases under the NDPS, reference is placed upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P and Another 2012(2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

*“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”*

6. So far as recovery of 70 loose intoxicating tablets are concerned FSL report is still awaited which is crucial to determine the applicability of stringent provisions of NDPS Act including commercial quantity threshold and the bar under Section 37 of the NDPS Act. Keeping the petitioner in further detention till receiving the report of FSL would be violative of his rights under Article 21 of the Constitution of India.



7. A Division Bench of this Court in ***Inderjeet Singh @ Laddi and Others Vs. State of Punjab 2014 (3) RCR (Criminal) 953***, has held as under:-

*“5. The learned Single Judge after considering the rival contentions found that the question whether such substances/drugs are covered under the NDPS Act or not, or can be dealt with only under the D&C Act has been arising frequently in many cases. The consequences would be completely different if the substances were held to be within the purview of the D&C Act instead of the NDPS Act. The matter was, therefore, referred to a larger bench. Meanwhile, the petitioner was ordered to be released on interim bail to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.*

Xx                      xx                      xx                      xx

53. *Indeed the delay in testing the sample does result in prejudice to an alleged offender as till the results are available there can be no definite certainty with regard to the contraband in respect of which there has been a contravention or that has been recovered. In such cases to await the outcome of the final FSL report where there is likely to be delayed, the accused may be released on interim bail. In Sukhwant Singh Vs. State of Punjab, 2009(4) RCR (Criminal) 868 : (2009) 7 SCC 539, it has been held by the Hon'ble Supreme Court as follows:-*

*“.....following the decision of this Court in Kamendra Pratap Singh v. State of U.P., 2009(3) RCR (Criminal) 401: 2009(4) Recent Apex Judgments (R.A.J.) 151: (2009) 4 SCC 437 we reiterate that a court*



*hearing a regular bail application has got inherent power to grant interim bail pending final disposal of the bail application. In our opinion, this is the proper view in view of Article 21 of the Constitution of India which protects the life and liberty of every person. When a person applies for regular bail then the court concerned ordinarily lists that application after a few days so that it can look into the case diary which has to be obtained from the police authorities and in the meantime the applicant has to go to jail. Even if the applicant is released on bail thereafter, his reputation may be tarnished irreparably in society. The reputation of a person is his valuable asset, and is a facet of his right under Article 21 of the Constitution vide **Deepak Bajaj v. State of Maharashtra, 2008(4) RCR (Criminal) 961: 2008(6) Recent Apex Judgments (R.A.J.) 357: (2008) 16 SCC 14**. Hence, we are of the opinion that in the power to grant bail there is inherent power in the court concerned to grant interim bail to a person pending final disposal of the bail application. Of course, it is in the discretion of the court concerned to grant interim bail or not but the power is certainly there.*

54. *Therefore, the presiding officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter considered the case after the receipt of the report"*

8. In view of above, the petitioner is ordered to be released on interim regular bail till the presentation of the FSL report before the concerned Court,

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subject to his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate.

9. Upon receipt of report of the Chemical Examiner, if the recovered contraband is found to be falling within commercial quantity, the petitioner shall surrender before the concerned trial Court and if the petitioner fails to surrender before the trial Court, the trial Court would be at liberty to proceed further in accordance with law and the present order shall not be construed as a bar in proceeding as per law.

10. With these observations, the present petition is disposed of.

11. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

12. Pending application(s), if any, is/are disposed of.

January 14, 2026  
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**(MANDEEP PANNU)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No