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

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CRM-M-2492-2025 (O&M)

Date of decision: 18.03.2025

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

Present:- Mr. G. S. Ghuman, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail in case bearing FIR No. 50 dated 12.04.2023, registered under Sections 18, 25 and 29 of the NDPS Act, 1985 at Police Station Chattiwind, District Amritsar. The first petition, bearing number **CRM-M-58062-2023**, was dismissed by this Court on 30.08.2024 by passing a detailed order. The operative part of the order dated 30.08.2024 reads as under:

“7. As per the allegations, 08 kgs. 500 grams of opium was recovered from a vehicle admittedly owned by the petitioner as on the night of 12.04.2023 from the area of village Bhagtupura. Though it is claimed by the petitioner that his vehicle was lying parked outside his house and office of Hussan Tour & Travels throughout the fateful day and in fact had been recovered from there and not from village Bhagtupura and has placed on record some GPS tracker record and

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photographs to prove so, however, the authenticity of these documents has to be established during trial on the basis of the evidence to be produced before the trial Court. The quantity of alleged contraband recovered in this case admittedly falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted in this case. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may indulge in similar offences cannot be stated to be unfounded at this stage. So far as the aforesaid orders as relied upon by the petitioner are concerned, it is well settled proposition of law that the orders of bail are not necessarily orders of any precedent value. Reliance in this regard can be placed upon ***Gajanand Agarwal vs. State of Orrisa and others : 2006(4) R.C.R.(Criminal) 311.*** Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered in this case, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.”

2. The only argument which has been raised by learned counsel for the petitioner for grant of regular bail to the petitioner is that extended period of incarceration has entitled the petitioner to be released on bail and therefore, it is urged by him that the petition deserves to be allowed.

3. *Per contra*, it is argued by learned Assistant Advocate General, Punjab that the previous petition as filed by the petitioner was dismissed by

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passing a detailed order by this Court by taking into consideration the contentions raised by both sides. It is submitted that no new change in the circumstances has been pointed out. The mere extended period of incarceration alone is not sufficient to grant benefit of bail to the petitioner. Allegations against the petitioner are quite serious in nature. He was found in possession of commercial quantity of the contraband. Therefore, it is urged that the petition does not deserve to be allowed.

4. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

5. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 30.08.2024. The instant one has been filed within a period of five months of the said order. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence

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alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

6. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration or examination of some material witnesses is not a ground to extend any such benefit. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same 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.

18.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No