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

CRM-M-3210-2025

Date of decision : 06.11.2025

Maninder Singh @ Manna**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. N.S. Mahal, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present second petition praying for grant of regular bail to him in case FIR No.145 dated 08.12.2023, under Sections 22(b) and 29 of the NDPS Act, registered at Police Station City Nakodar, District Jalandhar Rural, Punjab.

2. Succinctly, facts of the case are that the police party while on patrolling on 08.12.2023 saw two persons standing on the left side of the road. On seeing the police, they got perplexed. On suspicion, they were stopped by the police and were arrested by the police. On asking, they disclosed their names to be Sandeep and Maninder Singh (petitioner). They were suspected to be carrying some contraband. Thus, their search was conducted. On conducting the search of the right pocket of trousers of petitioner-Sandeep, 115 white coloured loose intoxicant tablets and from the right pocket of petitioner-Maninder Singh (petitioner), 120 loose white colour intoxicant tablets were recovered thus, total 235 loose intoxicant tablets were recovered. Both of them failed to produce any license regarding the possession of the same. Thus, the FIR was registered and both the accused were arrested on the spot. The samples taken were sent to the FSL.



On receipt of the FSL, challan was presented and on framing of charges, trial commenced. Petitioner approached the Court of learned Judge, Special Court, Jalandhar praying for grant of regular bail. However, after hearing counsel for both the sides, the same was declined vide order dated 22.07.2024. Aggrieved by the same, petitioner earlier approached this Court by way of filing CRM-M-37323-2024 which was dismissed as withdrawn vide order dated 08.08.2024. Hence, petitioner is before this Court by way of filing the present second petition for grant of regular bail.

3. It has been submitted by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from the personal search of the petitioner but there is violation of Section 50 of the NDPS Act. He submits that though recovery has been effected from the public place however, no independent witness has been joined. He submits that though from the personal search of the petitioner, 120 loose intoxicating tablets were recovered which weighed 14.88 grams which is a non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. It is submitted that the similarly situated co-accused has already been granted bail by learned Judge, Special Court. It is submitted that petitioner is behind bars since the date of his arrest. However, there is no material progress in the trial thus, right of speedy trial has been defeated. He submits that in the facts and circumstances of the case, petitioner deserves to be granted regular bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that both the accused were apprehended together and from conducting their search, total 235 loose tablets of Buprenorphine Hydrochloride were recovered which weighed 29.14 grams which is a commercial quantity and thus, provisions of Section



37 of the NDPS Act attracted in this case. He on instructions, submits that out of 10 prosecution witnesses, 03 witnesses have been examined. He has placed on record the custody certificate of the petitioner which shows that petitioner has undergone the actual sentence of 01 year, 02 months and 19 days as on 05.11.2025. It further reflects that petitioner is involved in 02 more cases, out of which, in one of the cases, he has been convicted however, he has completed his sentence. He thus, submits that petitioner does not deserve to be granted the concession of regular bail.

5. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner and co-accused were apprehended on the spot. Though from the personal search of the petitioner, 120 loose intoxicant tablets were recovered which weighed 14.88 grams however, in total quantity recovered from both the accused was weighed 29.14 grams which is a commercial quantity. Co-accused Sandeep has already been granted bail. Custody certificate filed by learned State counsel shows that petitioner is behind bars since the date of his arrest. Custody certificate filed by the State shows that petitioner is involved in 02 more cases, out of which, in one of the cases, he has been convicted however, he has completed his sentence in the same. As submitted, out of 10 prosecution witnesses, 03 witnesses have been examined till date. Needless to say that speedy trial is the fundamental right of every accused.

7. This Court would refrain from commenting anything on the merits of the case. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Without commenting anything on the merits of the

case and keeping in view the overall facts and circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

8. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case.

06.11.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No