

2025:PHHC:114750



**(210) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-6810-2025

Date of Decision: 26.08.2025

RAMESH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Choudhary, Advocate
for the petitioner (through V.C.).

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.190 dated 25.06.2023 registered under Sections 18(b) and 31A of NDPS Act, 1985 at Police Station Uklana, District Hisar.

2. The brief facts of the case are that Ramesh (petitioner) and Vishnu (granted bail vide order dated 13.01.2025 Annexure P-11) were travelling on a motorcycle when they were found in possession of 30 Kgs of opium.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Section 50 of the NDPS Act. The prosecution version is inherently unbelievable. As the petitioner is in custody since 26.06.2023 but only 03 of

the 20 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail moreso when the co-accused has been granted the concession of bail and the petitioner has suffered custodial injuries.

4. On the other hand, the learned State counsel on instructions contends that the petitioner is a habitual offender. He is an accused in 03 other cases arising out of FIR No.208 dated 07.07.2018 U/s 15C of the NDPS Act, P.S. Bhuna, FIR No.192 dated 26.06.2023 U/s 18B of NDPS Act, P.S. Uklana and FIR No.124 dated 01.06.2023 U/s 18B of NDPS Act, P.S. Ding. Therefore, keeping in view the antecedents of the petitioner, he is not entitled to the concession of bail, moreso in view of the bar contained in Section 37 of the NDPS Act even though the co-accused has been granted bail.

5. I have heard the learned counsel for the parties.

6. The details of the other FIRs registered against the petitioner are as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station
1.	FIR No.208 dated 07.07.2018	15C NDPS Act	P.S. Bhuna
2.	FIR No.192 dated 26.06.2023	18B NDPS Act	P.S. Uklana
3.	FIR No.124 dated 01.06.2023	18B NDPS Act,	P.S. Ding.

7. Apparently, the petitioner is a serial offender with 03 other cases registered against him under the NDPS Act.

8. This Court in the case of **Soni Singh @ Chamkaur Singh Versus State of Punjab, CRM-M-31645-2022, decided on 20.10.2022**, held as under:-

“Admittedly, the petitioner in the present case is named in the disclosure statement of the arrested accused. Subsequently thereto 3Kgs of Poppy Husk was recovered at his instance which is a non commercial quantity. It may be relevant to mention here that limitations to the grant of bail under Section 37 of the NDPS Act are in addition to those prescribed under Cr.PC or any other law inforce on the grant of bail as has been set out by the Hon'ble Supreme Court in Satpal Singh Vs. State of Punjab 2018(5) RCR (Criminal) 152. In the present case, the petitioner is involved in two other cases under the NDPS Act. Thus, as he is a habitual offender, he is not entitled to the grant of bail even under Section 439 Cr.PC keeping in view his antecedents. Even otherwise, assuming that the rigors of Section 37 of the NDPS Act did not apply to the petitioner, that by itself would not ipso facto lead to the grant of bail to the petitioner.

In view of the above discussion, I find no merit in the present petition and the same is therefore dismissed.”

09. Keeping in view the allegations levelled against the petitioner as well as his antecedents the satisfaction under Section 37 of the NDPS Act that he has not committed an offence and is not likely to commit one in the future cannot be recorded. The case of his co-accused Vishnu is on a different footing as he has clean antecedents. For the injuries allegedly suffered by him while in custody, he is at liberty to avail his remedies in accordance with law.

10. In view of the above discussion, I do not deem it appropriate to grant him the concession of bail and therefore, the present petition stands dismissed.

11. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

26.08.2025
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No