



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11168-2025

Reserved on: 29th April, 2025

Pronounced on: 30th April, 2025

Naseeb Singh @ Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 199 dated 09.09.2023 registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') at Police Station City Moga, District Moga, Punjab. His previous petition bearing CRM-M-29134-2024 had been dismissed by this Court vide order dated 21.11.2024.

2. As per the allegations, 265 grams of *heroin* was recovered from the shoulder bag of the petitioner on 09.09.2023, whereas, 05 grams of *heroin* and drug money of Rs. 3,57,000/- was recovered from the bag of the co-accused Kuldeep Singh. The petitioner was arrested on the same day. The relevant part of the order dated 21.11.2024 passed in CRM-M-29134-2024 is



reproduced as under:-

*“As per the allegations, the petitioner was apprehended by the police party on 09.09.2023 along with aforesaid co-accused and recovery of 265 grams of heroin was effected from him. The quantity of the contraband recovered from the petitioner falls under the commercial quantity. Although, as per petitioner, he is involved in two more cases under the NDPS Act, however, a perusal of the status report reveals that he involved in as many as five cases under the NDPS Act, which shows that he is a habitual offender. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded keeping in view the criminal antecedents of the petitioner. So far as the claim of the petitioner seeking parity with the co-accused, who has been granted concession of regular bail by this Court, is concerned, it can be stated that the case of the petitioner is not on the similar footing with that of the co-accused as from his custody only 05 grams of heroin along with some drug money was allegedly recovered. Learned counsel for the petitioner has relied upon certain orders of this Court, whereby the accused, from whose custody the contraband so recovered was marginally higher than the commercial quantity, have been granted concession of regular bail. However, it is well settled proposition of law that the orders of bail are not necessarily orders of any precedential value. Reliance in this regard can be placed upon the authority cited as **Gajanand Agarwal vs. State of Orrisa and others : 2006(4) R.C.R.(Criminal) 311.** Therefore, keeping in view the discussion as made above, the*



quantity of recovered contraband, the criminal antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.”

3. It is argued by learned counsel for the petitioner that he is in custody since 09.09.2023. The prolonged period of his incarceration is a sufficient ground for extending benefit of bail to him especially in view of the fact that the co-accused has already been extended benefit of bail. It is further submitted that trial is still likely to take considerable time as several witnesses are yet to be examined. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab, has argued that the previous petition of the petitioner was dismissed by passing a detailed order. The allegations against him are serious in nature. Commercial quantity of *heroin* had been recovered from him. The petitioner has already been convicted in three cases under the NDPS Act and is facing trial in one more case under the same Act. No substantive and specious ground for grant of bail in his favour. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The allegations against the petitioner are serious in nature. He is a habitual offender and has been convicted in four cases under the provisions of NDPS Act. The previous petition as filed by the petitioner has been



dismissed after making a detailed discussion qua grounds as taken therein. The present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when gravity of the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed. As such, I see no ground to allow the petition. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

30th April, 2025

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No