



232+327

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

1) CRM-M-11855-2025
Date of decision: 29.07.2025

Prince alias Mohit Singh alias TootiPetitioner

Versus

State of Punjab ...Respondent

2) CRM-M-15911-2025

Bhupinder SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ruhani Chadha, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab and
Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of the aforementioned petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-11855-2025.

2. The present petition(s) has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.265 dated 10.12.2023 under Sections 21/29/27(a)/61 of the NDPS Act registered at Police Station Gharinda, District Amritsar. This is second petition filed by petitioner-Prince alias Mohit Singh alias Tooti. Earlier petition was withdrawn on 29.10.2024. Petitioner-Bhupinder Singh in CRM-M-15911-2025 is seeking regular bail in his first attempt.

3. The FIR (*supra*) was registered against the accused, Bhupinder



CRM-M-11855-2025
CRM-M-15911-2025

-2-

Singh and Rahul Singh and both were apprehended with 500 grams of *heroin* each. Further, in the disclosure statement recorded on 11.12.2023, name of petitioner, namely, Prince came into picture, on the saying of whom, the accused persons have purchased the said recovered contraband by paying Rs.1 lakh and thus, the present case.

4. Learned counsel for the petitioner(s) submits that the present petition(s) has been filed on the ground that the case of the petitioner(s) is squarely covered by the judgment of the Hon'ble Supreme Court in ***Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023***. Further, the FIR (*supra*) was registered against, Rahul Singh and Bhupinder Singh (the petitioner herein), who were apprehended with 514 grams and 480 grams of *heroin*, respectively and during their custodial interrogation, the petitioner, namely, Prince, has been nominated as an accused on the basis of disclosure statement made by the co-accused, wherein, he alleged that they have purchased the contraband by paying Rs.2 lakh from petitioner, namely, Prince.

5. The learned State counsel has filed custody certificates in the Court today which are taken on record and per contra, opposes the grant of regular bail to the petitioners on the ground that 480 grams of *heroin* was recovered from the conscious possession of the petitioner, namely, Bhupinder Singh, which falls within the ambit of commercial quantity, as such, an embargo under Section 37 of the NDPS Act would be applicable in the present case. He further submits that complicity of petitioner, namely, Prince alias Mohit Singh alias Tooti is duly established as he is the supplier of the alleged



CRM-M-11855-2025
CRM-M-15911-2025

-3-

recovered contraband. He further submits that petitioner, namely, Prince alias Mohit Singh alias Tooti is involved in three more cases, out of which, one case is under the NDPS Act and thus, the petitioners are not entitled to any relief. However, he could not controvert the fact that the petitioner is behind the bars for the last more than 01 year and 06 months and till date, not even a single witness has been examined out of total 14 prosecution witnesses.

6. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

7. After perusing the record of the case with the assistance of the learned State counsel, it transpires that the petitioners are behind the bars since last more than 01 year and 06 months. Investigation is complete. The final



CRM-M-11855-2025
CRM-M-15911-2025

-4-

report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress out of 14 prosecution witnesses, none has been examined so far.

8. A two Judge bench of the Hon'ble Supreme Court in *Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023* released the accused on bail after completion of 18 months of custody on account of protracted trial in NDPS case involving commercial quantity of contraband. Reliance in this regard can also be placed upon the judgments rendered by the Hon'ble Supreme Court passed in *Md. Aliul Islam @ Aliul Islam @ Alius Vs. The State of West Bengal SLP (Crl.) No. 000736/2024*, *Debrata Mondal Vs. State of West Bengal SLP(Crl.) No. 14970-2023*, *Santarul Islam @ Santa Vs. The State of West Bengal SLP(Crl.) No. 13169/2023*, *Indrajit Mondal @ Piglu Vs. The State of West Bengal SLP(Crl.) No. 8512/2023*, *Narjul Islam @ Najbul Hoque Vs. The State of West Bengal SLP(Crl.) No. 14172/2023*, *Subhashri Das @ Rana @ Subhoshree Vs. The State of West Bengal SLP(Crl.) No.15284/2023*, *Mithun Sk. & Anr. Vs. The State of West Bengal SLP (Crl.) No.016598/2023*, *SK. Nasiruddin @ Nasirddin SK. Vs. State of West Bengal SLP (Crl.) No.003402/2024*, *Indadul Shah Vs. The State of West Bengal SLP(Crl.) No. 12670/2023*, *Hanef Kharsani @ Hanef Sheikh Vs. Union of India, Ripon Seikh & Ors. Vs. State of West Bengal SLP(Crl.) No. 16663/2023*, *Moidul Sarkar Vs. The State of West Bengal SLP(Crl.) No. 15668/ 2023*, *Saniya Bibi @ Soniya Bibi Vs. The State of West Bengal SLP(Crl.) No. 2354/2024*, *Saddam Hossain Vs. State of West Bengal SLP(Crl.) No. 15496/2023*, *Bijon SK @ Golam Murselim Vs.*



CRM-M-11855-2025
CRM-M-15911-2025

-5-

The State of West Bengal SLP (Crl.) No. 6046/2024 and Subhas Vs. The State of West Bengal SLP(Crl.) No. 8823/2019.

9. Further, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioners-accused. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India. A two Judge bench of the Hon'ble Supreme Court in *Mohd. Muslim @ Hussain vs. State (NCT of Delhi) 2023 AIR SC 1648*, has held that the concept of fairness enshrined under Article 21 of the Constitution of India would trump the bar on granting bail in cases involving commercial quantity of contraband, as stipulated by Section 37 of the NDPS Act. Speaking through Justice S. Ravindra Bhat, has opined as follows:

“20. The standard to be considered therefore, is one, where the court would look at the material in a broad manner, and reasonably see whether the accused's guilt may be proved. The judgments of this court have, therefore, emphasized that the satisfaction which courts are expected to record, i.e., that the accused may not be guilty, is only prima facie, based on a reasonable reading, which does not call for meticulous examination of the materials collected during investigation (as held in Union of India v. Rattan Malik). Grant of bail on ground of undue delay in trial, cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436A which is applicable to offences under the NDPS Act too (ref. Satender Kumar Antil supra). Having regard to these factors the court is of the opinion that in the facts of this case, the appellant deserves to be enlarged on bail.

21. Before parting, it 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. Jails are overcrowded and their living conditions, more often than not, appalling.” (emphasis added)



CRM-M-11855-2025
CRM-M-15911-2025

-6-

10. Keeping in view the law laid down by the Hon'ble Supreme Court of India in '*Prabhakar Tewari Vs. State of U.P. and another*' 2020 (1) R.C.R. (Criminal 831) and '*Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another*', 2012 (2) SCC 382, the involvement of the petitioners in other cases would not be a ground to refuse grant of concession of regular bail.

11. In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioners, namely, Prince alias Mohit Singh alias Tooti and Bhupinder Singh, are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

12. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

13. A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

29.07.2025

Neha

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