

2025.PHHC.145808



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

216

CRM-M-11910-2025 (O&M)
Date of decision: 27.10.2025

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

Present:- Mr. Jashandeep Singh Sandhu, Advocate
For the petitioner.

Mr. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No. 68 dated 22.08.2023, registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), Sections 10, 11 and 12 of the Air Craft Act, 1934 (Sections 27A, 29, 31-A and 23 of the NDPS Act and Section 411 of IPC added later on) at Police Station Sarai Amant Khan, District Tarn Taran, Punjab. The previous petition was dismissed as withdrawn.

2. Brief facts of the case relevant for the disposal of the present petition are that on 22.08.2023, the petitioner, while coming on a motorcycle bearing registration number PB-02-CN-8352, was apprehended by a police party and recovery of 02 kgs. of heroin and one drone was effected from him. He was formally arrested at the spot. During interrogation, he disclosed that the recovered contraband and the drone were supplied by one Happy Kakkar

2025.PHHC.145808



from Pakistan, who was the resident of Italy. He further disclosed that on the instructions of said Happy Kakkar, he used to supply heroin to Baba Nishan Singh and Mewa Singh and hand over the money received in the transaction to co-accused Vinay Aggarwal after keeping some amount of money with himself. He got recovered an amount of Rs.20,000/- from his house. On the basis of the disclosure statement suffered by the petitioner, several other persons were also nominated in this case as accused. After completion of necessary investigation and usual formalities, challan was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he is in custody since 22.08.2023 i.e. for a period of more than two years and two months. Challan has been presented as on 14.08.2024. Since then, a period of more than one year and two months has passed but no witness has been examined till date. It is a case of false implication. The trial will take considerable time to conclude. The continued detention of the petitioner would not serve any useful purpose. His involvement in one more case of similar nature cannot be considered to be a ground for denying benefit of bail to him. It is, therefore, submitted that in view of the above facts and circumstances, the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is vehemently argued by learned State counsel that the allegations against the petitioner are serious in nature. Commercial quantity of heroin and one drone was recovered from him. The petitioner along with the co-accused was indulged in illegal trade of receipt/sale of contraband since long and has direct links with Pakistani smugglers. The prayer made by the petitioner is hit by the

2025.PHHC.145808



bar contained under Section 37 of the NDPS Act. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the submissions made by both the sides.

6. The petitioner is in custody for the last about two years and two months. Despite the fact that the period of more than one year and two months has passed since the date of presentation of challan, no prosecution witness has been examined so far. The allegations against the petitioner are that he is involved with cross border smugglers. However, no material is available on record to connect with the petitioner by way of any telephonic communication or other means whatsoever on the basis of which his connection with cross border smugglers in smuggling of contraband can be can be presumed.

Hon'ble Supreme Court in ***Rabi Prakash vs. State of Odisha : 2023 Live Law (SC) 533*** has held that the prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act. Similar view has been taken by Hon'ble Supreme Court in ***Ankur Chaudhary vs. State of Madhya Pradesh : 2024 (4) RCR (Criminal) 172***. Reliance can also be placed upon ***Mohd. Muslim @ Hussain vs. State (NCT of Delhi) : 2023 AIR(SC) 1648 2023 AIR(SC) 1648***, wherein Hon'ble Supreme Court, while granting concession of regular bail to an accused, from whom commercial quantity of the contraband was allegedly recovered, has held that grant of bail on the ground of undue delay in trial cannot be said to be fettered by Section 37 of the NDPS Act. Reference can also be made to the authority cited as ***Satender Kumar Antil vs. Central Bureau of Investigation and another,***

2025.PHHC.145808



Supreme Court. Reliance can also be placed upon the authority cited as ***Bhupender Singh vs. Narcotic Control Bureau : (2022) 2 RCR (Criminal) 706***, wherein a Division Bench of this Court, after considering issue with respect to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and the rigors enumerated under Section 37 of the NDPS Act, has held that convict/accused is not precluded from claiming bail invoking parameters of Article 21 of the Constitution of India *de-hors* the stringent provisions of Section 37 of the NDPS Act. In the present case, apparently and evidently, the trial is substantially delayed. Therefore, keeping in view the aforementioned facts and circumstances and also the ratio of law as laid down in the aforecited authorities, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

27.10.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No