

2025:PHHC:113880



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

CRM-M-16652-2025 (O&M)

Reserved on : 21.08.2025

Pronounced on : 27.08.2025

Alisha Chopra**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Balraj Singh Aulakh, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Sahil Kumar, Advocate
for respondent No. 2.

MANISHA BATRA, J.

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 to her in case bearing FIR No.172 dated 20.06.2023 under Sections 18 and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) registered at Police Station STF, Phase IV, Mohali, District SAS Nagar. The first petition, bearing number **CRM-M-16441-2024**, was dismissed by this Court, vide order dated 22.07.2024. The operative part of the order dated 22.07.2024 reads as under :

“5. Prima facie, the petitioner does come across as a habitual offender. In the present case, the petitioner was specifically named in the secret information as being a drug supplier. During investigation, it also came to light that the petitioner had been absconding in another criminal

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case and had been in hiding, which is indicative of her prima facie involvement in the present case. In the present case, as per instructions received by the State counsel, the mandatory provisions of the NDPS Act were duly complied with, resulting in the recovery of 258 grams of heroin, 285 grams of opium and suspected drug money from her.

6. In the facts and circumstances as enumerated hereinabove and considering the role attributed to the petitioner and also her criminal antecedents, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition stands dismissed.”

2. The only argument which has been raised by learned counsel for the petitioner for grant of regular bail to the petitioner is that extended period of incarceration has entitled the petitioner to be released on bail. It is also argued that vide order 10.07.2025, passed by this Court in this very petition, learned State counsel had assured that all the remaining 10 prosecution witnesses shall be examined on 01.08.2025. However, still, 06 prosecution witnesses are remained to be examined. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

3. Custody certificate of the petitioner has been filed by the respondent-State. It is argued by learned State counsel that the previous petition filed by the petitioner was dismissed by passing a detailed order by this Court by taking into consideration the contentions raised by both sides. It is stated that no new change in the circumstances has been pointed out. More so, the trial is at its fag end as only 06 witnesses are left to be examined. Therefore, it is urged that the petition does not deserve to be allowed.

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

5. The previous petition filed by the petitioner for grant of regular bail had been dismissed vide order dated 22.07.2024. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

6. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration is not a ground to

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extend any such benefit. More so, the trial is stated to be at its fag end as only 06 witnesses are to be examined. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

8. The trial Court is directed to make all endeavor to conclude the trial expeditiously.

27.08.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>