



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.23657 of 2025 (O&M)
Reserved on: 14.10.2025
Pronounced on: 16.10.2025

Paramjit Singh @ Pammi
.....Petitioner
Versus
State of Punjab
..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Anil Kumar Sagar, Advocate for the petitioner.
Mr. Jasdev Singh Thind, DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 22 and 61 of NDPS, FIR No.94 dated 22.03.2024, has been lodged in Police Station Derabassi. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition under Section 483 of BNSS for grant of bail.

2. In nut-shell, the facts emerging from the record are that the FIR of this case came into being when on the basis of a tip-off, given by an informant, the car of petitioner make Indica bearing registration No.PB65-T-9305 was intercepted and from the bag lying on co-driver's seat, intoxicant tablets were recovered. According to prosecution, the petitioner was found in possession of 5500 intoxicant tablets make Lomotil (275 strips of 20 tablets each) and 750 tablets of make Trakem-100 (Tramadol) (75 strips of 10 tablets each). It is the



case of the prosecution that for being in possession of such a huge quantity of above mentioned intoxicant tablets, the petitioner could not produced any permit or license, and therefore, the aforementioned FIR had been lodged against the petitioner.

3. Notice of motion.

4. Since advance notice has already been served, Mr. Jasdev Singh Thind, DAG Punjab, appears on behalf of respondent-State, and waives service.

5. Heard.

6. It has been contended on behalf of the petitioner that petitioner has already suffered a lot of incarceration for being in custody for a period of more than one and a half year and that trial is taking place at a very snail pace. It has also been contended that conclusion of trial is not likely to take place in near future.

7. According to learned counsel for the petitioner, the petitioner is innocent, having no nexus with the offence, and that he has been falsely implicated in the present case. As per learned counsel for the petitioner, the petitioner is a Chemist by profession and tablets, which have been seized, are generally kept by every Chemists for sale under a license. As per learned counsel for the petitioner, there is CCTV footage showing that a false story has been cooked up by the police with regard to interception of vehicle of petitioner and recovery of contraband.

8. With regard to above mentioned incident, it has been specifically contended by learned counsel for the petitioner that the CCTV footage shows that police party had raided the medical store of the petitioner and recovered



the above mentioned medicines, but the case has been framed by depicting a false story.

9. In addition to above, the learned counsel for the petitioner has also argued that the petitioner has no criminal antecedents and on account of highhandedness of the police, he is facing incarceration and his personal life and liberty, guaranteed under the Constitution, has been violated.

10. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel, the quantity of contraband, recovered from the possession of the petitioner, comes within the ambit of commercial quantity, and that rigors of Section 37 NDPS Act are applicable in the present case. Accordingly to learned State counsel any of the twin condition prescribed under Section 37 of the NDPS Act does not stand complied with in the present case and therefore, the petitioner is not entitled for the benefit of bail.

11. The record has been perused carefully.

12. A careful perusal of the record shows that in the present case there are several factors which are required to be taken into consideration for the decision of instant bail petition. They are:-

- i) that the petitioner is already in custody for a period of more than one year and six months;
- ii) that the trial is not likely to be concluded in near future, as out of 14 prosecution witnesses only 7 have been examined so far;
- iii) that there are very reasonable and realistic grounds which if proved by the petitioner, may impeach the very foundation of the



allegations of the prosecution;

- iv) that detention of the petitioner behind the bar is not likely to serve any purpose;
- v) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence or influence with witnesses; and
- vi) that the petitioner has no criminal antecedents.

13. With regard to long incarceration, the Hon'ble Supreme Court in the case of ***Rabi Prakash vs. State of Odisha, 2023 LiveLaw (SC) 533***, has observed that 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.

14. Similar view has been taken by the Hon'ble Supreme Court of India in the case of ***Frank Vitus vs. Narcotics Control Bureau & Ors., 4(2000) 5 SCC 712***, wherein it has been emphasized by the Hon'ble Supreme Court of India that even if a person is in prison, he continues to enjoy the fundamental rights.

15. The Co-ordinate Bench of this Court in the case of Kuldeep Singh vs, State of Punjab, CRM-M-18926-2025, has observed that "the right to a speedy and fair trial is an intrinsic part of the right to life and personal liberty enshrined under Article 21 of the Constitution of India. It applies equally to trials under special statutes like the NDPS Act, however grave the allegations



may be.”

16. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for concession of bail. Thus, present petition deserves to be allowed.

17. In view of above mentioned observations the present petition is hereby allowed accordingly, and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court.

18. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition, and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

16.10.2025
Kapil

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