

226

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26150-2024 (O&M)
Date of Decision:- 14.05.2025

MANPREET SINGH ALIAS MANNA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. R.K. Saini, Advocate
for the petitioner.

Mr. Iqbalpreet Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 07.04.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural) is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
157	01.09.2023	21, 23, 25 and 29 of the NDPS Act	Gharinda, Amritsar



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and no recovery of contraband has been effected from the petitioner, but he has been falsely implicated in the case on the allegation that he was carrying the heroin along with co-accused Bikramjit Singh. He further contends that even the recovery memo clearly depicts that 470 grams of heroin was recovered from the conscious possession of co-accused Bikramjit Singh, which he was carrying in a bottle kept in the pocket of his trousers. He submits that the petitioner is in custody since 01.09.2023 and after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the petitioner is involved in smuggling of heroin and he was apprehended by the police party along with co-accused Bikramjit Singh and commercial quantity of contraband had been recovered from them. Thus, he does not deserve the concession of bail and prays for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it is observed that the instant FIR was registered against the petitioner and co-accused Bikramjit Singh on the allegation that on 01.09.2023, the Police party apprehended the petitioner, who was riding the motorcycle carrying co-accused Bikramjit Singh on the pillion. Their search was conducted and from the personal search of Bikramjit Singh, 470 grams of heroin contained



in a bottle kept by him in the pocket of his trousers was recovered, while no contraband was recovered from the personal search of the petitioner. They were accordingly arrested and after the completion of investigation, challan was presented in Court, wherein the prosecution has cited 10 witnesses, however, only 04 witnesses have been examined till date. Admittedly, the petitioner is not having any criminal antecedents and it is evident from the recovery memo produced by the Investigating Officer and also from the reply filed by the State itself that no contraband was recovered from the personal search of the petitioner. It is debatable as to whether the petitioner had any conscious possession over the contraband recovered from the personal search of co-accused Bikramjit Singh. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, in future, after his release on bail, it will be open for the prosecution to move an application for cancellation of



his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

14.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No