



CRM-M-24541-2025

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

CRM-M-24541-2025

Date of Decision: 28.08.2025

Manpreet Singh @ Manna
Versus

..... Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raghav Soni, Advocate for
Mr. Vikas Gupta, Advocate, for the petitioner.
Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.36 dated 13.05.2024 under Section 21-C of NDPS, 1985, registered at Police Station Valtaha, District Tarn Taran.
2. Succinctly, facts of the case are that on 13.05.2024, the police party while on patrolling received a secret information to the effect that Sukhbir Singh, Ravinder Singh and Manpreet Singh @ Manna (petitioner) are involved in selling heroin. It was informed that all these three are travelling in a car bearing registration No.PB05-AF-9999 make Creta and are coming towards village Jodh Singh Wala. In case of barricading, they could be arrested alongwith the contraband. On receiving the secret information, raiding team was constituted and it reached the place as disclosed. The car as disclosed was seen coming, which was stopped, however, two inmates of the car escaped and one person was found inside the car, who disclosed his name as Ravinder Singh. From his search, 260 grams of heroin was recovered. He failed to produce any licence regarding the possession of the same and thus, on the registration of the FIR, he was arrested on the spot. The investigation commenced. The police, thereafter,



received a secret information about rest of two accused and on conducting raid, petitioner Manpreet Singh @ Manna was apprehended and from his search 255 grams of heroin was recovered. Samples taken were sent to the FSL. The petitioner approached the Court of learned Additional Sessions Judge, Tarn Taran praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 04.03.2025. The petitioner was granted interim bail for attending bhog ceremony of his parental uncle in police custody vide order dated 28.03.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the FIR in the present case was registered on the basis of the secret information, but there is violation of Section 42 of the NDPS Act. He submits that search in the present case has been conducted in violation of Section 50 of the NDPS Act. He submits that even otherwise, the alleged recovery effected from the petitioner is 255 grams of heroin, which is marginally above the commercial quantity. He submits that the petitioner has no criminal antecedents as he has never been involved in any other case. He further submits that the petitioner is behind the bars since the date of his arrest, however, there is no progress in the trial. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the



submissions made by counsel for the petitioner. She has submitted that the petitioner was specifically named in the secret information. She submits that the recovery effected from the petitioner is commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. She further submits that recovery from the co-accused is 260 grams of heroin and thus, total recovery effected in this case is 510 grams of heroin. On instructions, she has submitted that out of 17 prosecution witnesses, 01 witness has been examined so far. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner is behind bars since 13.05.2024. As submitted before this Court, 01 witness has been examined out of 17 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 03 months & 09 days as on 27.08.2025. It further shows that the petitioner has no criminal antecedents.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is



where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it 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.

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23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.’

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

		(RAJESH BHARDWAJ)
		JUDGE
28.08.2025	Whether Speaking/Reasoned :	Yes/No
sharmila	Whether Reportable :	Yes/No