



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

248

CRM-M-26113-2025

Date of decision: 17.07.2025

Mandeep Singh alias Gill

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Digvijay Nagpal, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab assisted by
ASI Harwinder Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.01 dated 02.01.2022 under Sections 21, 22, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), Sections 25, 54 and 59 of the Arms Act, 1959 and Sections 473, 201, 212 and 216 of the IPC, 1860, registered at Police Station Sadar Rajpura, District Patiala.

2. Learned counsel contends that the petitioner has been in custody since 02.01.2022 and till date, the trial has not concluded; challan was presented qua the petitioner way back on 27.06.2022 followed by the framing of charges on 28.09.2022. Learned counsel submits that the petitioner has been languishing in custody ever since his arrest as only three witnesses out of the 22 cited have been



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examined till date, hence, he deserves to be enlarged on bail only on account of his long incarceration, moreso, when it is a matter of record that the petitioner is not involved in any other case under the NDPS Act. Learned counsel has submitted that in identical circumstances, Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** had extended the concession of bail to the accused therein by dispensing with the conditions of Section 37 of the NDPS Act.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that a secret information was received regarding the involvement of the petitioner in drug trafficking. Pursuant to the secret information, recovery of 350 grams of heroin alongwith 200 grams of Tramadol powder was effected from the petitioner. Learned State counsel submits that the recovery effected from the petitioner has been classified as commercial under the NDPS Act and hence, the petitioner does not deserve to be extended the concession of bail. Learned State counsel, however, at the same time, has not been able to dispute the stage of trial and has conceded, on instructions, that only three prosecution witnesses have been examined till date and 02 given up out of the 22 cited. Learned State counsel has also submitted that two other witnesses have been given up. It has been further submitted that the next date fixed before the trial Court is 24.07.2025 when in all likelihood some more prosecution witnesses would be examined.

4. Pointed query was put to the learned State counsel as to



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whether the petitioner is involved in any other case under the NDPS Act, to which, on instructions, he has replied in the negative. Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh (SLP(Crl.) No.6690/2022)*** decided on 25.01.2023 has observed as under:-

".....It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed."

5. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to allow the instant petition by dispensing with the conditions of Section 37 of the NDPS Act. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

17.07.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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