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

CRM-M-31253-2024

Date of Decision: 15.07.2025

Mangat Singh @ Manga

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raj Kumar Gupta, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of filing the present second petition praying for grant of regular bail in a case FIR No.140 dated 29.10.2022 under Section 21(c) of the NDPS Act, 1985, at Police Station Ladowal, District Ludhiana.

2. Succinctly, facts of the case are that on 29.10.2022, the police party while on patrolling saw a person coming on the motorcycle. On seeing the police party, he got perplexed and threw a plastic bag on the ground and tried to turn back the motorcycle. On suspicion, he was stopped. On asking he disclosed his name as Mangat Singh @ Manga (petitioner). He was suspected to be carrying some contraband in the plastic bag thrown by him and thus, the same was searched. On conducting search, 270 grams of heroin was recovered from the same. He failed to produce any licence regarding the possession of the same and thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. Sample taken was sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in



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the same, dismissed the bail application filed by the petitioner vide order dated 10.04.2023. Thereafter, the petitioner approached this Court by way of filing CRM-M-27963-2023 for grant of regular bail, however, the same was dismissed as withdrawn vide order dated 14.12.2023. Hence, the petitioner has again 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 alleged recovery has been effected from the petitioner in violation of the provisions of Section 50 of NDPS Act. He submits that as per the case of the prosecution, the recovery has been effected from a public place, however, no independent witness has been joined. It is submitted that the petitioner is behind bars since the date of his arrest, however, the prosecution is not able to conclude the trial till date. He submits that even otherwise, the quantity of the contraband allegedly recovered from the petitioner, is also doubtful as the weight of the same has not been done as per the provisions of the NDPS Act. He submits that though the petitioner is involved in other cases, however, he is on bail in those cases. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He submits that recovery was effected on due compliance of mandatory provisions of the NDPS Act and the petitioner was arrested on the spot. He submits that recovery effected in this case is 270 grams of heroin, which is a commercial quantity and thus,



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provisions of Section 37 of the NDPS Act are attracted. On instructions, he has submitted that out of 17 prosecution witnesses, 06 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 29.10.2022. The alleged recovery is 270 grams of heroin. Whether the recovery effected from the petitioner is in violation of Section 50 of the NDPS Act or not, is a matter of trial. Out of total 17 prosecution witnesses, 06 witnesses have been examined. The custody certificate reflects that the petitioner has suffered incarceration of 02 years, 8 months & 13 days as on 14.07.2025. It further reflects that the petitioner is involved in other cases, however, he is on bail in those cases.

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
15.07.2025		
sharmila	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No