

2025:PHHC:131556



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-28321-2025 (O&M)

Date of decision: 23.09.2025

Goldi @ Goldi Paliwal**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

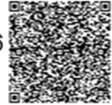
MANISHA BATRA, J. (Oral)

1. The instant one is the fifth petition, which has been filed by the petitioner under Section 483 of BNSS seeking grant of regular bail in case bearing FIR No. 248 dated 19.10.2022, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Rajpura, District Patiala. Previous two petitions were dismissed as withdrawn, whereas two petitions were dismissed on merits by this Court.

2. The petitioner has been booked in the aforesaid FIR and has been facing trial therein on the allegations that the petitioner was apprehended by a police party on 22.10.2022 and recovery of 34000 intoxicant tablets (Alprazolam and Tramadol HCL) was effected from him.

3. The only argument which has been raised by learned counsel for the petitioner for grant of regular bail to the petitioner is that extended period of incarceration has entitled the petitioner to be released on bail and therefore, it is urged by him that the petition deserves to be allowed.

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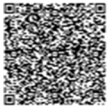


4. Short reply has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the previous petitions filed by the petitioner were dismissed by passing detailed orders by this Court by taking into consideration the contentions raised by both sides. It is submitted that no new change in the circumstances has been pointed out. The mere extended period of incarceration alone is not sufficient to grant benefit of bail to the petitioner. More so, the trial is at its fag end. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The last petition filed by the petitioner for grant of regular bail had been dismissed vide order dated 28.01.2025. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

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7. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration is not a ground to extend any such benefit. More so, a perusal of the reply reveals that out of total 13 prosecution witnesses, 06 witnesses have been examined, 04 witnesses have been given up and only 03 witnesses remain to be examined. Hence, the trial is at its fag end. There are serious and specific allegations against the petitioner. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

23.09.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No