



CRM-M-31170-2025

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

CRM-M-31170-2025

Date of Decision: 24.09.2025

Balwinder Singh @ Billa
Versus

..... Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Avtar Singh Syan, Advocate, for the petitioner.

Mr.Raj Karan Singh, 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.19 dated 01.03.2025 under Sections 22/61/85 of NDPS, 1985, registered at Police Station Sadar, Nabha, District Patiala.

2. Succinctly, facts of the case are that on 01.03.2025, the police party while on patrolling received a secret information to the effect that Balwinder Singh @ Billa (petitioner) and Kammo wife of Balwinder Singh @ Billa are involved in selling intoxicant tablets. It was informed that both of them are waiting for their customers for selling the narcotic pills in front of their house in the backside street of Gurudwara Sahib and in case of raid, they could be arrested alongwith the contraband. On receiving the secret information, a raiding team was constituted, which reached the place as disclosed. Both the persons as disclosed were found present in front of their house. On seeing the police, they got perplexed and they threw a plastic envelope being held by them. They were suspected to be carrying some contraband and thus, search of the transparent waxy envelope thrown by Balwinder Singh @ Billa was conducted and 340 opened pink coloured pills were recovered. Search of the envelope thrown by his wife was also



conducted and from that 260 pink coloured intoxicant tablets were recovered. They failed to produced any licence regarding the possession of the same, and thus, on the registration of the FIR, they were arrested on the spot. The investigation commenced. During the investigation, Balwinder Singh @ Billa made a disclosure statement about another contraband and thus, he got recovered 420 more intoxicant pills. Thus, total 760 tablets were recovered from the petitioner. Samples taken were sent to the FSL. On receipt of the FSL report, weight of the contraband recovered from the petitioner was found to be 92.3 grams of Alprazolam. On filing the challan, the charges were framed and the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Patiala 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 09.05.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present 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 submit that FIR in the present case was registered on the basis of secret information, however, there is violation of Section 42 of the NDPS Act. He submits that there is violation of Section 50 of the NDPS Act as well while conducting the search. He submits that the alleged recovery has been effected from the village, but no independent witness has been joined. He has submitted that the petitioner is a handicapped person, who has been roped in the present case as he is involved in other cases as well. It is



submitted that co-accused i.e. the wife of the petitioner has already been granted bail by learned trial Court. He submits that admittedly weight of the contraband recovered from the petitioner is 92.3 grams of Alprazolam, which is a non-commercial quantity and hence, provisions of Section 37 of the NDPS Act are not attracted. 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. He has submitted that total 1020 tablets (124.98 grams of Alprazolam) were recovered from both the accused, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted. On instructions, he submits that charges are framed, however, out of total 09 prosecution witnesses, no witness has been examined till. He also submits that the petitioner is a habitual offender, who has been involved in more than 15 cases. 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 FIR was registered on the basis of secret information. The petitioner was arrested on 02.03.2025. Though total weight of the contraband recovered from both the accused is 124.98 grams of Alprazolam, however, weight of the contraband recovered from the petitioner is said to be 92.3 grams of Alprazolam. As submitted before this Court, no witness has been examined out of 09 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 04 months & 07 days as on 10.07.2025. It further shows that the petitioner is involved in



other cases, however, he is on bail in eight cases and has been convicted in five 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. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

24.09.2025

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