



CRM-M-34632-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-34632-2025 (O&M)****Reserved on : 16.10.2025****Pronounced on : 30.10.2025**

Balwinder Singh @Rubi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' only, the FIR No.96 dated 28.06.2021 has been lodged in Police Station Amargarh, District Malerkotla. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is third petition, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The first bail petition, moved by the petitioner, was dismissed as withdrawn vide order dated 08.05.2024, whereas second bail petition, moved by the petitioner, was dismissed on merit by this Court vide order dated 11.03.2025.

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2. In nut-shell, the facts emerging from record are that the FIR of this case came into being when ASI Janpal Singh, who was heading a police party and discharging patrolling duty, got a tip-off from an informer that Gurcharan Singh @Pauli and Balwinder Singh @Rubi were involved in the sale of poppy husk, and that they had procured large quantity of poppy husk from Madhya Pradesh and Jharkhand. According to abovesaid informant, if raid is conducted, they might be found in possession of large quantity of poppy husk.

3. According to the prosecution, in view of abovementioned information, the necessary formalities with regard to information to the police station were performed by the above-named ASI, and thereafter, the raid was conducted, and during raid, 30 plastic bags containing 300 kg of poppy husk were recovered from a room adjacent to Dharamshala. It is the case of the prosecution that name of the petitioner had cropped-up at the very instance, when a tip-off was given by the informant.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner was not found in actual or conscious possession of contraband, and that the premises from where recovery was effected did not belong to the petitioner. According to learned counsel for the petitioner, the petitioner has already suffered a lot of incarceration for being in custody for a period of more than 02 years and 10 months, and that the trial is not progressing at a reasonable pace, and therefore, the same is not likely to be concluded in near future.

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The learned counsel for the petitioner has also contended that the benefit of bail has already been accorded to the similarly placed co-accused, namely Gurcharan Singh.

6. *Per contra*, the learned State Counsel has argued that this is third petition for bail moved by the petitioner, and that from the date of dismissal of second bail petition, no significant change in circumstances has taken place. According to learned State Counsel, in such circumstances, the present petition for bail is not maintainable.

7. In addition to above, it has also been argued by learned State Counsel that the recovery of contraband in the present case comes within the ambit of commercial quantity, and therefore, the rigors of Section-37 of NDPS Act are attracted in the present case. According to learned State Counsel, without satisfying the twin conditions, enshrined under the aforesaid section, the petitioner cannot be enlarged on bail.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail. Those factors are: -

- i) that the name of the petitioner has figured in the secret information itself;
- ii) that the second petition for bail moved by the petitioner has been dismissed in the recent past, i.e. on 11.03.2025, and the abovementioned decision is a decision on merit;



- iii) that there is nothing on record to show that from the date of dismissal of second bail petition, there is any significant change in the relevant circumstances;
- iv) that in the order dated 11.03.2025, it has been observed that the petitioner had earlier misused the concession of bail, and he was declared a proclaimed offender;
- v) that the petitioner has criminal antecedents as he is facing prosecution in three cases under NDPS Act, one case under 379/411 of IPC and one case under Section 52A of Prison Act;
- vi) that rigors of Section-37 of NDPS Act are applicable to the present case, and there is nothing on record to show that the twin conditions enshrined under Section 37 of NDPS Act stands complied with, in the present case; and
- vii) that on the ground of parity also, the petitioner is not entitled for bail as his previous bail petition has been dismissed on merits.

13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is not entitled for the benefit of bail. Hence, it is hereby held that the present petition is not maintainable and deserves dismissal.

14. In view of above, the present petition is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 30, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No