

2025:PHHC:129535



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

222

CRM-M No.37407 of 2025
Date of decision: 16.09.2025

Banwari Lal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manvirder Sidhu, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.0019 dated 23.02.2023 registered under Sections 15(c), 27, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Sangat, District Bathinda. The first petition as filed by the petitioner bearing CRM-M No.6785 of 2025 had been dismissed vide order dated 13.05.2025.

2025:PHHC:129535



2. As per the allegations, on 23.02.2023, 80 kg of poppy husk was recovered from a truck which was driven by the accused Ravneet Singh @ Meet. The same was taken into possession. The vehicle was registered in the name of one Jagjeet Singh who was arrested and disclosed that the petitioner had supplied the recovered contraband. The accused Ravneet Singh also suffered similar disclosure statement. The petitioner was nominated as an accused and was arrested on 16.11.2024. The petitioner is facing trial for commission of aforementioned offences.

3. The previous petition as filed by the petitioner had been dismissed on 13.05.2025 by making the following observations:-

“6. The petitioner has been nominated in this case on the disclosure statements suffered by above named co-accused. The allegations against the petitioner are that he had supplied the recovered contraband i.e. 80 kgs. of poppy husk to the co-accused. It is also the version of the prosecution that prior to aforesaid recovery of poppy husk, the petitioner had supplied 35 kgs. of poppy husk to the co-accused. The allegations against the petitioner are quite serious. The co-accused, who faced full length trial, have been convicted by the learned trial Court, as mentioned above. The petitioner is a resident of Rajasthan and has been arrested only on 16.11.2024. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences cannot be stated to be unfounded. Trial qua him is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the aforesaid facts and circumstances, I am of the

2025:PHHC:129535



considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

4. The main ground for seeking bail as taken in this petition is that the ever since the dismissal of the previous petition, a period of more than four months has been lapsed but the trial has not proceeded further and is likely to take time.

5. It is argued by learned counsel for the petitioner that the extended period of his incarceration is a ground for entitling him for grant of bail. He is in custody for a period of over nine months. The trial will take considerable time to conclude. No useful purpose would be served by keeping him in custody any more. It is, therefore, urged that he deserves to be extended benefit of bail.

6. On the other hand, it is argued by learned Assistant Advocate General, Punjab that the previous petition of the petitioner was dismissed on merits by passing a detailed order. No new ground has been made in his favour for grant of bail. This is a successive bail application filed within a period of about two months from the date of dismissal of the previous petition. It is, therefore, urged that the petition does not deserve to be allowed.

7. The previous petition as filed by the petitioner had been dismissed by passing a detailed order. The co-accused who faced trial has been convicted. The petitioner was arrested on 16.11.2024. The only new

2025:PHHC:129535



ground as taken by him in this petition is extended period of incarceration. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***.

8. More so, this petition has been filed within a period of about two months from the date of dismissal of the previous petition by this Court. The 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

2025:PHHC:129535



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. Keeping in view the above discussed facts, this Court is of the considered opinion that there is no drastic or material change in the circumstances since the date of the dismissal of the previous petition and no ground is made out for allowing the petition. Accordingly, the same is dismissed.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No