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

CRM-M-37748-2025 (O&M)

Reserved on : 28.08.2025

Pronounced on : 02.09.2025

Satish @ Mintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ram Singh Chaudhary, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of regular bail in case bearing FIR No. 168 dated 16.04.2024, registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) read with Section 120-B of IPC at Police Station Chandhut, District Palwal, Haryana. The previous petition, bearing number CRM-M-1879-2025, was dismissed by this Court on 25.02.2025. The operative part of the order dated 25.02.2025, reads as under:

“6. As per the allegations, on the basis of a secret information, the petitioner and co-accused Pawan were apprehended by the police party on 16.04.2024 while they were coming in the aforementioned car and recovery of total 148 kgs. 460 grams of *Ganja* was effected from them. The quantity of the recovered contraband obviously

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falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner as nothing has been placed on record before this Court so as to believe that he did not commit the subject offence or in case, he is released on bail, he would not commit any such or similar offence. Although, learned counsel for the petitioner has argued that there were certain lacunas in the investigation with regard to compliance of procedure as prescribed under the NDPS Act, however, these questions cannot be decided by this Court at this stage as this Court is not supposed to conduct a mini trial while deciding a petition filed under Section 483 of BNSS seeking grant of regular bail. These questions have to be decided by the learned trial Court after appreciating the entire evidence and material produced on record before it.

7. So far as the claim of the petitioner for parity with co-accused Doulat @ Doulat Ram, who has been granted concession of regular bail by this Court, is concerned, it is explicit that the case of the petitioner is not on the same footing with that of said co-accused as he was not nabbed at the spot, was nominated in this case on the basis of the disclosure statement suffered by the co-accused and no subsequent recovery of any contraband was effected from him. Trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of trial. Hence, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of the contraband recovered in this case, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage.

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Accordingly, the present petition is dismissed.”

2. 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.

3. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is further argued that the previous petition filed by the petitioner was dismissed by passing a detailed order by this Court by taking into consideration the contentions raised by both sides. 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. The trial may be expedited. Therefore, it is urged that the petition does not deserve to be allowed.

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

5. The previous petition filed by the petitioner for grant of regular bail had been dismissed vide order dated 25.02.2025. The instant one has been filed within a period of five months of the said order. 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*

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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.

6. 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 or examination of some material witnesses is not a ground to extend any such benefit. There are serious and specific allegations against the petitioner. 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, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

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7. 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.

02.09.2025

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No