



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
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CRM-M-40103-2025
Date of decision: 01.08.2025

Angrej Singh @ Laddu

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karandeep Singh Sidhu, Advocate
and Mr. Abhaysher Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this 2nd petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.32 dated 28.01.2023 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Sections 21-C and 29 of the NDPS Act, 1985 added later on vide GD No.20 dated 30.01.2023 and GD No.17 dated 08.05.2023, respectively at Police Station Special Task Force, District STF Wing, S.A.S. Nagar (Mohali). The 1st petition filed by the petitioner seeking the same relief was dismissed as withdrawn on 23.01.2024.

2. Learned counsel for the petitioner submits that this 2nd petition, seeking regular bail to the petitioner, has been filed with the changed circumstances as the case of the petitioner is squarely covered by the ratio of law laid by the Hon'ble Supreme Court in *Nandlal*



***Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.)
No(s).12788/2023.***

3. As per the prosecution case, recovery of 260 grams of heroin is effected from the conscious possession of the petitioner, which falls within the purview of commercial quantity. Hence, the impugned FIR has been registered.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The alleged recovery of 260 grams of heroin is marginally higher than the commercial quantity. The entire recovery was taken into possession vide recovery memo along with the polythene bag and weighed collectively and in case, the weight of the polythene bag is deducted from the alleged contraband, the recovery would fall under the ambit of non-commercial quantity. He further submits that the alleged recovery is only 10 grams higher than the non-commercial quantity. The petitioner has suffered the incarceration of 02 years, 05 months and 29 days. Learned counsel for the petitioner further submits that there are total 16 prosecution witnesses cited in the list of witnesses, out of which, only 06 PWs have been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that commercial quantity of contraband was recovered from the petitioner,



which falls within the ambit of commercial quantity and as such, the petitioner is not entitled to any relief, however, he could not controvert the fact that the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 02 years, 05 months and 29 days. Investigation is complete. The final report under Section 173 Cr.P.C. has been presented before the concerned Court. Charges have been framed and trial of the case has not made much progress. Out of 16 prosecution witnesses, 06 PWs have been examined so far, however, this delay in conclusion of the trial cannot be attributed to the petitioner.

7. The recovered quantity exceeds the commercial quantity only by 10 grams. In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in ***Davinder Singh alias Baba vs. State of Punjab in CRM-M-64821-2023 decided on 25.01.2024***, ***Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024***, ***Ranjti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on 10.01.2023***, ***Jagtar Singh vs. State of Punjab in CRM-M-21460-2022 decided on 08.02.2023***, ***Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024***, ***Jang Kanwar vs. State of Punjab in CRM-M-53415-2021 decided on 19.01.2022***, ***Sukhchain Singh @ Manga vs.***



State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021)’ decided on 11.11.2022, ‘Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim vs. State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Satnam Singh @ Chacha vs State of Punjab, CRM-M-34531-2020, decided on 25.02.2021, Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020, Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023’, and Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023.

8. Moreover, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. In fact, keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his/her rights under Article 21 of the Constitution of India.

9. Furthermore, a two Judge bench of the Hon’ble Supreme Court in *Nandlal Mondal @ Abhay Mondal’s case (supra)*, released the accused on bail after completion of 18 months of custody on account of protracted trial in NDPS case involving commercial quantity of



contraband. Reliance in this regard can also be placed upon the judgments rendered by the Hon'ble Supreme Court passed in *Md. Aliul Islam @ Aliul Islam @ Alius Vs. The State of West Bengal SLP (Crl.) No. 000736/2024*, *Debrata Mondal Vs. State of West Bengal SLP(Crl.) No. 14970-2023*, *Santarul Islam @ Santa Vs. The State of West Bengal SLP(Crl.) No. 13169/2023*, *Indrajit Mondal @ Piglu Vs. The State of West Bengal SLP(Crl.) No. 8512/2023*, *Narjul Islam @ Najbul Hoque Vs. The State of West Bengal SLP(Crl.) No. 14172/2023*, *Subhashri Das @ Rana @ Subhoshree Vs. The State of West Bengal SLP(Crl.) No.15284/2023*, *Mithun Sk. & Anr. Vs. The State of West Bengal SLP (Crl.) No.016598/2023*, *SK. Nasiruddin @ Nasirddin SK. Vs. State of West Bengal SLP (Crl.) No.003402/2024*, *Indadul Shah Vs. The State of West Bengal SLP(Crl.) No. 12670/2023*, *Hanef Kharsani @ Hanef Sheikh Vs. Union of India, Ripon Seikh & Ors. Vs. State of West Bengal SLP(Crl.) No. 16663/2023*, *Moidul Sarkar Vs. The State of West Bengal SLP(Crl.) No. 15668/ 2023*, *Saniya Bibi @ Soniya Bibi Vs. The State of West Bengal SLP(Crl.) No. 2354/2024*, *Saddam Hossain Vs. State of West Bengal SLP(Crl.) No. 15496/2023*, *Bijon SK @ Golam Murselim Vs. The State of West Bengal SLP (Crl.) No. 6046/2024* and *Subhas Vs. The State of West Bengal SLP(Crl.) No. 8823/2019*.

10. In view of the discussions made hereinabove, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Angrej Singh @ Laddu, is ordered to



be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

01.08.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No