



S. No.216

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

**CRM-M-41169 of 2025
Date of Decision:03.09.2025**

Ranjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Ms. Gursharan Kaur Mann, Senior Advocate with
Mr. Armandeep Kaur Sidhu, Advocate and
Mr. Arshjot Singh Moki, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. This is fourth petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.0143 dated 01.12.2023, Police Station Khalra, District Tarn Taran, which was initially registered under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and during the course of investigation, Sections 25, 27-A and 29 of the NDPS Act were added. Additionally, offences under Sections 10, 11 and 12 of the Aircraft Act, 1934 were also added at a later stage but these Aircraft Act provisions were subsequently deleted.

2. Brief facts of the prosecution case are that on 01.12.2023, Police party headed by ASI Satnam Singh was on patrolling duty in connection with



detection of crime and when the police party was a little behind the turn of Gurudwara Baba Baaj Singh, a young person was seen coming on foot by the side of paved road & on seeing the police party, he took out a transparent polythene from the pocket of his lower and threw it on the roadside and started walking back. However, he was stopped and on inquiry, he disclosed his name as Ranjit Singh (petitioner). On being asked about the contents of polythene which he had thrown away, he disclosed that it contained heroin. The same was picked up which was found to be containing 255 grams of heroin and it was converted into a parcel and sealed with seal 'SS' and taken into possession. Offence under Section 21-C, 61 and 85 of NDPS was found to have been committed and formal FIR was registered. Petitioner was arrested and after completion of usual investigation, final report was presented in the Court.

3. Upon notice, the State Counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.

4. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.12.2023. The alleged recovery is marginally above the non-commercial quantity as possession of heroin to the extent of 250 grams falls within non-commercial quantity, and despite filing of challan, only 02 witnesses have been examined till date. The trial is likely to take some more time to conclude. Learned counsel further contended that prolonged incarceration and undue delay in disposal of the trial can over-ride the rigors of Section 37 of the NDPS Act considering the fundamental right of personal liberty of petitioner



under Article 21 of the Constitution of India and learned counsel prayed that petitioner be released on bail.

5. In support of her contention, learned counsel for the petitioner has relied upon judgments of this Court in **CRM-M-21794 of 2023 – Sandeep Singh Vs. State of Punjab** decided on 05.05.2023, **CRR-1785 of 2018 (O&M)- Vicky Kaur Vs. State of Punjab**, decided on 13.08.2018, **CRM-M-14029 of 2018 – Kamlesh Vs. State of Punjab**, decided on 06.05.2015, **CRM-M-17321 of 2025 - Jassu Ram @ Jasuram Vs. State of Punjab**, decided on 04.04.2025 and a judgment of Hon'ble Supreme Court in **Special Leave to Appeal (Crl.) No. (s).12788/2023 – Nandalal Mondal @ Abhay Mondal Vs. The State of West Bengal**.

6. On the other hand, learned State Counsel has opposed the bail and argued that the petitioner has committed a heinous crime as he was found in possession of commercial quantity of heroin and in view of rigors contained in statutory provision of Section 37 of NDPS Act, he is not entitled to the benefit of bail.

7. As per allegations, petitioner was found to be in possession of 255 grams of heroin. Petitioner is in custody since 01.12.2023 and only 02 witnesses have been examined till date and trial thus has been delayed and there is also no likelihood of the same being concluded soon. Hon'ble Surpeme Court in **2023 Live Law (SC) 533, Rabi Prakash Vs. State of Odhisha** has held that prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the



conditional liberty must override the statutory embargo created under Section 37 of the NDPS Act. To the same effect is the law laid down by Hon'ble Supreme Court in **2024 (4) RCR (Criminal) 172, Ankur Chaudhary Vs. State of Madhya Pradesh** and **2023 AIR(SC) 1648, Mohammad Muslim alias Hussain Vs. State (NCT of Delhi)** in which Hon'ble Supreme Court while granting regular bail to an accused, from whom commercial quantity of contraband was recovered, has held that grant of bail on the ground of undue delay in trial cannot be said to be fettered by Section 37 of the NDPS Act. A co-ordinate Bench of this Court has also held so in judgment reported as **Law Finder Doc Id #2770222 – Garpawandeep Singh alias Bihari Vs. State of Punjab** decided vide judgment dated 27.08.2025 passed in CRM-M-19408 of 2025 wherein 260 grams of heroin was allegedly recovered. Honb'ble Surpeme Court while deciding **Special Leave to Appeal (Criminal) No.12788/2023 titled Nandalal Mondal alias Abhay Mondal Vs. The State of West Bengal**, vide judgment dated 03.01.2024 which taking into consideration the period of custody already undergone by the petitioner/under-trial, the fact that he does not have any criminal antecedents and also keeping in view the prolonged incarceration, ordered release of the petitioner on bail who was also found in possession of 10,000 ml of codeine phosphate - a cough syrup which falls within the commercial quantity. In **CRM-M-37827/2022, titled Parkash Sahu Vs. State of Punjab** decided vide judgment dated 14.12.2002, a co-ordinate Bench of this Court also granted bail on the ground of delayed trial in which 02 kg. 600 grams of opium was recovered which was marginally above the commercial quantity of 02 kg 500 grams.



8. Therefore, taking into consideration the facts and circumstances of the present case and also the ratio of law laid down in afore-mentioned case laws, I am of the opinion that no useful purpose will be served by keeping the petitioner in custody and resultantly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(Yashvir Singh Rathor)
Judge

September 03, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No