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

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CRM-M-40986-2025 (O&M)
Date of decision : 02.12.2025

Nishan Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Bhupinder Kaur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 0033 dated 06.03.2025, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 111 of BNS (added later on) at Police Station Sultanpur Lodhi, District Kapurthala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 06.03.2025, co-accused Balwant Kaur @ Billo was apprehended by a police party and recovery of 1100 intoxicant tablets of Alprazolam was effected from her. Since she could not produce any valid license or permit to keep in her possession the recovered drugs, she was formally arrested at the spot. Upon interrogation, she disclosed that she had purchased the recovered drugs from the present petitioner. On the basis of the

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same, the petitioner was nominated in this case as an accused and was arrested on 08.03.2025. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was neither named in the FIR nor was found at the spot. He has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused, which is not admissible in evidence. No subsequent recovery has been effected from him. His implication in other cases cannot be made a ground to deny him concession of bail in given circumstances. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time as no prosecution witness has been examined so far. He is in custody since 08.03.2025. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner 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 as well as his criminal antecedents, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Balwant Kaur @ Billo, who was apprehended

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by the police party on 06.03.2025 and from whom, the aforesaid contraband was recovered. The allegations against the petitioner are that he had sold/supplied the recovered contraband to the co-accused. However, no subsequent recovery is shown to have been effected from him. His nomination in this case is solely based on the disclosure statement suffered by above named co-accused. He is in custody since 08.03.2025. Trial is likely to take considerable time to conclude as no prosecution witness has been examined so far. Pendency of other cases cannot be made a ground to deny him benefit of bail in these circumstances. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

02.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No