



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

214

CRM-M No.41654 of 2025 (O&M)

Date of Decision: 27.11.2025

Yusuf Khan

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**Present:** Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 22 of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' [Sections 27 and 29 of NDPS Act added later on], the FIR No.51 dated 12.09.2023, has been lodged in Police Station GRP Sangrur, District Sangrur. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is third petition for bail under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita, 2023'.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the report of Sub Inspector 'Kuldip Chand'. It was reported by the above named police officer that on 12.09.2023 when he was heading a team, deputed for usual duty on platform No.1, Railway Station Dhuri, he spotted two persons who alighted from train No.14507 at about 7.25 P.M. According to above named police officer, when they started moving



backward, on the basis of suspicion the contents of their carry-bag were checked, and it was found that in the above mentioned carrying bags there were having two bottles and few strips of tablets. According to above named police officer, on inquiry they disclosed their identity as 'Sukhwinder Singh' and 'Yusuf Khan'. As per report, on checking it was found that in the bag they were having 12 bottles of intoxicating liquid make 'Onerex TM 100 [Cadeine Phosphate Chloropheniramine Melate] Syrup and 300 tablets of 'Carisoprodol' tablets IP [Carisoma 350 MG].

3. According to prosecution on recovery of above mentioned contraband the requisite formalities with regard to seizure and sealing of contraband, filing of FIR and arrest of accused were undertaken and further investigation taken up.

4. Notice of motion.

5. Since advance notice has already been served, Mr. I.P.S. Sabharwal, DAG, Punjab, appears on behalf of respondent-State, and waives service.

6. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has opted to orally oppose the present petition.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner has already suffered pro-longed incarceration for being in custody for a period of more than 2 years and 2 months and that prolonged incarceration of the



petitioner has entrusted him with a right to be enlarged on bail. The learned counsel for the petitioner in support of his argument has referred to the observations made by the Hon'ble Supreme Court of India **Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal, Special Leave to Appeal (Crl.) Nos. 12788-2023, decided on 03.01.2024, Saddam Hossain Vs. State of West Bengal, Special Leave to Appeal (Crl.) No. 15496-2023, decided on 03.05.2024 and Najrul Islam @ Najbul Hoque Vs. The State of West Bengal, Special Leave to Appeal (Crl.) No. 14172-2023, decided on 03.01.2024.** The learned counsel for the petitioner has also referred to the observations made by this Court in the case of **Farooq Ahmed Mir Vs. State of Punjab, rendered in CRM-M-52657-2023, decided on 07.07.2025.**

9. In addition to above, the learned counsel for the petitioner has also contended that the petitioner has no criminal history, and that trial is not likely to be concluded in near future, as in the last more than 2 years only 8 out of 18 witnesses have been examined.

10. Per contra, the learned State counsel has argued that in the present case the recovery of contraband from the possession of petitioner comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions enshrined under Section-37 of Narcotic Drugs & Psychotropic Substances Act, 1985, the benefit of bail cannot be accorded to the petitioner.

11. The record has been perused carefully.

12. In the present case, at the outset, it is relevant to mention that this is the third petition for bail moved by the petitioner. The first petition was dismissed on 07.08.2024 wherein following order was passed:-



“Reply by way of an affidavit of Deputy Superintendent of Police, Govt. Railway Police, Punjab, Sub Division Patiala has been filed on behalf of respondent-State and the same is taken on record. After arguing at length, learned counsel for the petitioner wishes to withdraw the present petition. Dismissed as withdrawn.”

13. The second petition was dismissed on 29.04.2025, and on that day following order was passed:-

“After arguing at length, learned counsel for the petitioner wishes to withdraw the instant petition, at this stage. Dismissed as withdrawn, at this stage.”

14. From the date of dismissal of second bail petition only a period of 7 months have elapsed and except the plea of long incarceration there is no plea which can justify the filing of third bail petition on behalf of the petitioner. In the present case, there is no change in circumstance which can provide a new cause to the petitioner for filing of present petition.

15. As far as, the delay in trial is concerned since from the date of dismissal of second bail petition only 7 months have been elapsed, in my considered opinion, on account of delay in trial also the justification for filing third bail petition does not arise. Thus, in my opinion, the principles of law referred to by learned counsel for the petitioner in the cases of **Nandlal Mondal @ Abhay Mondal, Saddam Hossain, Najrul Islam @ Najbul Hoque and Farooq Ahmed Mir (supra)** are not applicable to the factual matrix of the present case.



16. Taking into consideration the fact that the petitioner has failed to establish any justification for filing of third bail petition within 7 months from the date of dismissal of former bail petition, it is hereby held that the present petition is devoid of merits and deserves dismissal. Hence, the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

27.11.2025
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No