

CRM-M-42119-2025
(228)

2025:PHHC:150812

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42119-2025 (O & M)

Date of decision: 03.11.2025

Malkeet Singh @ Meeta

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Hitesh Chopra, Advocate with
Ms. Anjali, Advocate (through VC),
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.22 dated 02.03.2025 under Sections 21, 27-A of the NDPS Act and registered at Police Station Sadar Batala, Tehsil and District Gurdaspur.

2. The brief facts of the case are that petitioner Malkeet Singh @ Meeta was apprehended with 04 grams of heroin and Rs.1,000/- as drug money.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Section 50 of the NDPS Act. Taking the allegations to be correct, only a non-commercial quantity of contraband has been recovered from the petitioner. As he is in custody since 02.03.2025 but none of the 11 prosecution witnesses has been examined so far, the Trial in the present case



is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 02.11.2025 which is taken on record. While referring to the said reply, he contends that the petitioner is a habitual offender. He is an accused with one other case bearing FIR No.121 dated 30.09.2021 under Sections 21/61/85 of the NDPS Act, Police Station Sadar Batala. Therefore, keeping in view the antecedents of the petitioner, he is not entitled to the concession of bail, moreso, as the satisfaction under Section 37 of the NDPS Act that he had not committed an offence and is not likely to commit an offence in future cannot be recorded.

5. I have heard the learned counsel for the parties.

6. This Court in the case of **Soni Singh @ Chamkaur Singh Versus State of Punjab, CRM-M-31645-2022, decided on 20.10.2022**, held as under:-

“Admittedly, the petitioner in the present case is named in the disclosure statement of the arrested accused. Subsequently thereto 3Kgs of Poppy Husk was recovered at his instance which is a non commercial quantity. It may be relevant to mention here that limitations to the grant of bail under Section 37 of the NDPS Act are in addition to those prescribed under Cr.PC or any other law inforce on the grant of bail as has been set out by the Hon'ble Supreme Court in Satpal Singh Vs. State of Punjab 2018(5) RCR (Criminal) 152. In the present case, the petitioner is involved in two other cases under the NDPS Act. Thus, as he is a habitual offender, he is not entitled to the grant of bail even under Section 439 Cr.PC keeping in view his antecedents. Even otherwise, assuming that the rigors of Section 37 of the NDPS Act did not apply to the petitioner, that by itself would not ipso facto lead to the grant of bail to the petitioner.



In view of the above discussion, I find no merit in the present petition and the same is therefore dismissed.”

7. Though, the recovery in the present case is of a non-commercial quantity of contraband, the petitioner is habitual offender with one other case bearing FIR No.121 dated 30.09.2021 under Sections 21/61/85 of the NDPS Act, Police Station Sadar Batala, registered against him. Therefore, the satisfaction under Section 37 of the NDPS Act that he has not committed an offence and is not likely to commit an offence in future cannot be recorded. Further, there is no undue delay in the conclusion of the Trial.
8. Therefore, I do not deem it appropriate to grant him the concession of bail and hence, the present petition stands dismissed.
9. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.
10. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

November 03, 2025
sukhpreet

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