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CRM-M-43330-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
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Decided on : 31.10.2025

BIKAR SINGH . . . PETITIONER

VS.

STATE OF PUNJAB . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Kamaldeep Kaur, Advocate for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner (Bikar Singh), aged about 33 years, has filed the instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.) for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder :-

Name petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Bikar Singh	131	19.05.2022	22, 27-A, 29 NDPS	Patran,	Patiala

2. In the instant case on receiving a secret information, raid was conducted and from the Alto Car bearing registration No.DL-2-CAC-5136

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of Silver Colour which was being driven by co-accused Bhupinder Singh, from the rear seat of the said car 17,500 Tramadol tablets were recovered from a black coloured polythene bag. Petitioner-Bikar Singh was sitting on the front seat besides the driver seat.

3. Counsel for the petitioner argues that car in question was completely in control and was managed by the driver and petitioner is not connected in any manner & even the tramadol tablets were lying on the rear seat. She further submits that, once black coloured polythene bag was non transparent, there was no reason to the petitioner to acquire knowledge about the substance lying in it. Therefore, moot question during the course of trial would be whether petitioner was having any conscious possession of the contraband i.e. tramadol tablets or not.

Further submits that, petitioner has already suffered period of incarceration inside jail of about 3 years and 5 months and despite this out of 14 prosecution witnesses only 3 prosecution witnesses have been examined. Thus, petitioner cannot be detained for an indefinite period inside jail without proving, the charges and thus, prays for grant of concession of regular bail.

4. On the other hand, learned State counsel files the custody certificate dated 30.10.2025 and the same is taken on record. Counsel confirms the total incarceration period of 3 years, 5 months and 7 days. However, he submits that petitioner is found indulged in three other cases

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under the NDPS Act and he being an habitual offender cannot be termed as an innocent person as has been projected by the petitioner's counsel.

5. I have heard learned counsel for the parties and perused the relevant material available on record from where it is noticed that petitioner is involved in three other cases i.e. 1) FIR No.168, dated 23.08.2018, under Sections, 15-18-61-85 NDPS Act, registered at Police Station City Samana. 2) FIR No.91, dated 25.04.2022, under Sections 22-29-61-85 NDPS Act, registered at Police Station City Samana. 3) FIR No.173, dated 21.07.2017, under Sections 18-61-85 NDPS Act and 207 MV Act, registered at Police Station Patran, District Patiala. Out of the three other cases, petitioner has been granted bail in two and in FIR No.91, dated 25.04.2022, under Sections 22-29-61-85 NDPS Act, registered at Police Station City Samana, he is yet to come out on bail, wherein he has completed sentence period of 3 years, 5 months and 9 days.

6. Primarily noticing the aspect that the petitioner was sitting on the front seat beside the seat of the driver and 17,500 tramadol tablets have been recovered from the black coloured polythene bag which was placed on the rear seat of the car and conscious possession is yet to be determined by the trial Court after having complete evidence before it. Moreover, custody period of more than 3 years and 5 months have already been suffered by the petitioner inside jail. Therefore, on merely being involved in the other cases, & that too without even proving of guilt in any of them, petitioner cannot be termed as a proven habitual offender. Moreover, out of 14 prosecution

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witnesses only, 3 prosecution witnesses have been examined till date. Thus, petitioner cannot be detained for an indefinite period inside jail.

Consequently, prayer made in the instant petition is allowed. Petitioner is ordered to released on bail, subject to his furnishing bail/suretybonds to the satisfaction of trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

October 31st, 2025
Poonam Sharma

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No