



CRM-M-46472-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-46472-2025 (O&M)****Reserved on : 15.10.2025****Pronounced on : 31.10.2025**

Manish @Manu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. S.S. Randhawa, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 22(b), 27A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' only, the FIR No.52 dated 14.05.2025 has been lodged in Police Station Dhariwal, District Gurdaspur. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being in response to an information memo (ruqqa), sent by ASI Sukhdev Singh, who had informed that on 14.05.2025, when he was

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performing duty on a check-post, he spotted three young boys riding on a motorcycle. As per complainant, when the abovementioned motorcycle riders noticed the presence of police party on their way ahead, they apparently got panicked and tried to run away by taking a U-turn. The complainant further stated that they were intercepted by the police party and when search of their persons was conducted as per prescribed rules, from the possession of Shubham Sharma, who was travelling in the middle, 400 unmarked red-coloured intoxicating capsules along with currency notes of Rs.11,040/- were recovered, whereas from the possession of Pankaj Kumar, 70 unmarked intoxicant tablets were recovered.

3. It is the case of the prosecution that the abovementioned recovered contraband and the currency notes were sealed in separate parcels, and the abovementioned persons were apprehended, and further formalities with regard to seizure, registration of FIR and arrest of accused were undertaken.

4. Heard.

5. It has been contented on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that a false case has been lodged against the petitioner. According to learned counsel for the petitioner, the petitioner was not found in possession of any contraband, and that the FIR itself shows that the alleged recovery of intoxicant tablets was from Shubham Sharma, and Pankaj Kumar.



6. In addition to above, it has also been argued by learned counsel for the petitioner that the FSL report has been received, and as per FSL report, 400 tablet, which were found in possession of Shubham Sharma, did not contain any intoxicant compound, whereas 70 tablets recovered from the co-accused Pankaj Kumar contained 460 mg Tramadol Hydrochloride, which comes out to be 32.2 gms and is a non-commercial quantity. According to learned counsel for the petitioner, the petitioner has already suffered a long incarceration for being in custody since 14.05.2025, and that the trial is not likely to be concluded in near future.

7. In addition to above, the learned counsel for the petitioner has also argued that the Coordinate Bench of this Court has already afforded the benefit of bail to the co-accused Pankaj Kumar and Jitender Kumar.

8. *Per contra*, the learned State Counsel has argued that in the present case, there are very specific allegations with regard to recovery of contraband vis-à-vis drug money from the possession of co-accused, and therefore, rigors of Section-37 of NDPS Act are applicable in this case.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail: -

- i) that the benefit of bail has already been afforded to co-accused, and the role attributed to the petitioner stands on a lower footing;



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- ii) that the contraband was not found in possession of petitioner, rather it was recovered from his co-accused;
- iii) that the petitioner is already in custody for a period of more than 05 months;
- iv) that as per FSL report, the contraband found in possession of petitioner comes within the ambit of intermediate quantity;
- v) that with regard to money recovered from the possession of petitioner, there is no connecting evidence to show that it was a drug money;
- vi) that the trial is not likely to be concluded in near future;
- vii) that nothing is left to be recovered from the possession of petitioner;
- viii) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses.

11. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of "***Dataram versus State of Uttar Pradesh and another***", 2018(2) R.C.R. (Criminal) 131, has observed that "*a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from*



the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’**, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that *“the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible*



adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

13. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in **“Balwinder Singh versus State of Punjab and Another”**, SLP (Crl.) No.8523/2024.

14. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

15. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final disposal of the case; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.



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16. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 31, 2025
Gaurav Thakur

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