



CRM-M-45496-2025

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

CRM-M-45496-2025

Date of Decision: 26.08.2025

Mewa Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ruhani Chadha, Advocate, for the petitioner
(through VC).

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present second petition praying for grant of regular bail in case FIR No.118 dated 21.07.2023 under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (offence under Section 411 IPC added lateron), registered at Police Station Kamboj, District Amritsar Rural.

2. Succinctly, facts of the case are that on 21.07.2023, the police party received a secret information to the effect that Harjinder Singh, Mewa Singh, Heera Singh and Ramandeep Singh are indulged in purchasing heroin from Pakistan and are selling the same in different cities of Punjab. It was informed that they had brought a huge quantity of heroin from Pakistan side for selling the same in Punjab. In case of raid, they could be arrested alongwith the huge quantity of heroin. On receiving the secret information, barricading was laid and three persons as disclosed in the secret information, were seen coming on motorcycle. They were stopped. On asking, they disclosed their names as Heera Singh, Mewa Singh and Ramandeep Singh. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting search of motorcycle, 685 grams of heroin



was recovered and 290 grams of heroin was recovered from the search of Ramandeep Singh. They failed to produce the licence regarding the possession of the same and thus, on the registration of the FIR, they were arrested on the spot. The investigation commenced. On the completion of the investigation, the Investigation Agency filed the challan and on framing the charges, the trial commenced. The petitioner approached the Court of learned Judge Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 07.08.2024. The petitioner earlier approached this Court praying for grant of regular bail by way of filing CRM-M-48932-2025, however, the same was dismissed as withdrawn vide order dated 20.01.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. It is submitted that the FIR in the present case was registered on the basis of secret information, however, there is violation of provisions of Section 42 of the NDPS Act. He submits that while effecting recovery, there is a violation of mandatory provisions of Section 50 of NDPS Act as well. He submits that the petitioner though is involved in one another case under the IPC, however, he has never been involved in any other case under the NPDS Act. He has submitted that the petitioner is behind bars since the date of his arrest i.e. 21.07.2023, however, there is no material progress in the trial. He submits that co-accused Ramandeep Singh @ Raman has already been



granted regular bail by this Court vide order dated 05.08.2025. He, thus, submits that the petitioner deserves the concession of regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that recovery in the present case has been effected on due compliance of the NDPS Act. He has submitted that the recovery effected in the present case is under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions, he has submitted that out of 28 prosecution witnesses, 06 witnesses have been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner was arrested on 21.07.2023. Custody certificate of the petitioner would show that the petitioner has suffered incarceration of 02 years & 28 days as on 25.08.2025. It further reveals that the petitioner is not involved in any other case under the NPDS Act. Out of total 28 prosecution witnesses, 06 witnesses have been examined till date.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under



Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.’

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular

bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

26.08.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No