



CRM-M-49956-2024

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

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**CRM-M-49956-2024
Decided on :15.12.2025**

Kulvir Singh alias Kulwinder

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mikhail Kad, Advocate for
Mr. Rahul Verma, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No. 202 dated 11.11.2023, under Sections 15/29 of NDPS Act, registered at Police Station, Bhwanigarh, District Sangrur.

2. Learned counsel for the petitioner argued that, as per the allegations in the FIR, 76 kg of poppy husk was recovered from a car bearing registration No. PB11DB7174. Four bags, each containing 19 kg of poppy husk (totaling 76 kg), were allegedly recovered from the rear seat of the car.

Subsequent to the arrest of petitioner, another accused, namely Narinder Singh, was implicated in the case, who allegedly

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supplied the contraband to the petitioner. Learned counsel submitted that Narinder Singh has already been released on bail by this Court vide order dated 28.07.2025 in CRM-M-12731-2025. It is further argued that petitioner has been falsely implicated, as he was not present at the spot and the car was not registered in his name.

Apart from the factual aspects, learned counsel for the petitioner submits that petitioner is in custody since 12.11.2023, i.e., for the past two years and one month. Out of a total of 18 prosecution witnesses, only 03 have been examined till date. Considering the likelihood that the trial would take considerable time to conclude, it is submitted that petitioner's personal liberty should not be curtailed indefinitely. Accordingly, learned counsel prays for the grant of bail.

3. On the other hand, learned State counsel argued that the recovered contraband, i.e., 76 kg of poppy husk, exceeds the commercial quantity, being 26 kg more than the non-commercial quantity of 50 kg. He further submitted that petitioner was earlier convicted under the NDPS Act in the year 2006 and was sentenced to ten years' imprisonment; therefore, he does not deserve leniency for the repetition of a similar offence.

4. In response, learned counsel for the petitioner argued that after petitioner was released from jail in 2012 on account of suspension of sentence in the earlier case, he was falsely implicated by the police in the present case with similar allegations. It was submitted that the

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allegations in the present case are yet to be established by the prosecution and, due to the slow pace of the trial, petitioner is entitled for bail.

5. I have heard learned counsel for the parties and perused the paper-book.

6. Admittedly, co-accused, namely Narinder Singh, has already been released on bail by this Court vide order dated 28.07.2025. Petitioner is in custody since 12.11.2023, and trial is likely to take considerable time to conclude. It is further submitted that petitioner was earlier involved in a case under the NDPS Act, in which he had been released on suspension of sentence after serving part of the sentence. Considering these facts, and the need to ensure that the petitioner's personal liberty is not unduly curtailed during the pendency of the trial, this Court finds merit in the prayer for bail. Consequently, present petition is allowed.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, 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.



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8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

15.12.2025

Rashmi

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