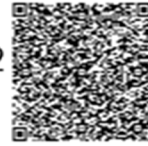


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-48203-2025 (O&M)

Date of decision: 15.09.2025

Ram Pal @ Ram Lubhaya**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Karan Bhandari, Advocate and
Mr. Ribhav Chadha, Advocate
for the petitioner.

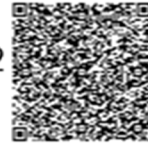
Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition, which has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail in case bearing FIR No. 53 dated 19.04.2024, registered under Sections 18(c) and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 (Sections 25, 27-A and 29 of the NDPS Act added later on) at Police Station Satnampura, District Kapurthala. The first petition, bearing number **CRM-M-47117-2024**, was dismissed by this Court, vide order dated 28.04.2025.

2. As per the allegations, on the basis of a secret information received on 19.04.2024, the petitioner was apprehended by a police party and recovery of 03 kgs. of opium, 200 grams of heroin and one .32 bore pistol

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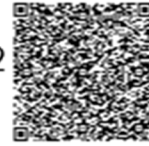


with 06 live cartridges along with drug money of Rs.5,07,000/- was effected from him.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Co-accused Meena Saini and Ramesh Rani have since been extended benefit of pre-arrest bail. It is further argued that now there is change in the circumstances as even since the date of dismissal of his previous petition, not even a single prosecution witness has been examined. The trial is going on at snail's pace. There are no chances of its conclusion in near future. Due to his prolonged incarceration and non-examination of prosecution witnesses, the petitioner has become entitled to benefit of bail. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel, while refuting the contentions as raised by learned counsel for the petitioner and while placing on record the custody certificate of the petitioner, has vehemently argued that the previous petition of the petitions for grant of regular bail had been dismissed by this Court as well as by the Hon'ble Supreme Court. There is not drastic or substantial change in the circumstances. There is no new or substantive ground on which the petitioner can be stated to have become entitled for release on bail. Huge quantity of contraband, fire arms along with drug money were recovered from him. The petitioner is a habitual offender. Merely because of prolonged custody, he does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

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5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The first petition filed by the petitioner had been dismissed by this Court. The petitioner himself has placed on record a copy of order dated 03.06.2025 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 8532 of 2025 showing that his prayer for release on bail had been declined three months back. The petitioner has not been able to point out any substantive or drastic change in the circumstances. The recovery effected from him is of commercial quantity of opium and intermediate quantity of heroin. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground

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of long incarceration. Merely the extended/prolonged period of incarceration or examination of some material witnesses is not a ground to extend any such benefit. There are serious and specific allegations against the petitioner. Keeping in view the aforesaid facts and circumstances, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

15.09.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>