



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

221**CRM-M-49760 of 2025 (O&M)****Date of Decision: 13.11.2025**

Mani Singh

....Petitioner

Versus

State of Punjab

....Respondent**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Bhupinder Banga, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.69 dated 10.07.2025, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mehtiana, District Hoshiarpur.

2. Brief facts as per the prosecution case are that on 10.07.2025, SI Gurdeep Singh along with his fellow police officials was on patrolling duty and on suspicion, apprehended the petitioner, who was found in conscious possession of 70 intoxicant tablets. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has



been falsely implicated in the present case and he has no concern with the said offence. He further contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He has submitted that recovery of alleged contraband has already been effected from the petitioner and nothing more is to be recovered from him. He further contends that as per the prosecution version, 70 intoxicant tablets have been recovered from the petitioner but the Forensic Science Laboratory (FSL) report has not been received so far. He submits that the petitioner is in custody since 10.07.2025. At this stage, after arguing for sometime, learned counsel confines his prayer only for releasing the petitioner on interim bail till the receipt of FSL report. In this regard, learned counsel has placed reliance upon a dicta of a judgment of a Division Bench of this Court passed in '***Inderjeet Singh @ Laddi and others v. State of Punjab***', 2014 (3) RCR (Criminal) 953.

4. On the other hand, learned State counsel has filed the status report and the custody certificate which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he was apprehended at the spot with the recovery of alleged contraband, for which FSL report is still awaited. He has further submitted that the petitioner is also involved in two other cases of similar nature meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 04 months, investigation is underway, FSL report is still awaited which is crucial to determine the applicability of stringent provisions of NDPS Act including commercial quantity threshold and the bar under Section



37 of the NDPS Act. Keeping the petitioner in further detention till receiving the report of FSL would be violative of his rights under Article 21 of the Constitution of India.

6. A Division Bench of this Court in ***Inderjeet Singh @ Laddi and others v. State of Punjab, 2014 (3) RCR (Criminal) 953***, has held as under:

"5. The learned Single Judge after considering the rival contentions found that the question whether such substances/drugs are covered under the NDPS Act or not, or can be dealt with only under the D&C Act has been arising frequently in many cases. The consequences would be completely different if the substances were held to be within the purview of the D&C Act instead of the NDPS Act. The matter was, therefore, referred to a larger bench. Meanwhile, the petitioner was ordered to be released on interim bail to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

xx xx xx xx

*53. Indeed the delay in testing the sample does result in prejudice to an alleged offender as till the results are available there can be no definite certainty with regard to the contraband in respect of which there has been a contravention or that has been recovered. In such cases to await the outcome of the final FSL report where there is likely to be delayed, the accused may be released on interim bail. In ***Sukhwant Singh v. State of Punjab, 2009(4) RCR (Criminal) 868 : (2009) 7 SCC 539***, it has been held by the Hon'ble Supreme Court as follows:*

*..... following the decision of this Court in ***Kamlendra Pratap Singh v. State of U.P., 2009(3) RCR (Criminal) 401 : 2009(4) Recent Apex Judgments (R.A.J.) 151 : (2009) 4 SCC 437*** we reiterate that a court hearing a regular bail application has got inherent power to grant interim bail pending final disposal of the bail application. In our opinion, this is the proper view in view of Article 21 of the*



*Constitution of India which protects the life and liberty of every person. When a person applies for regular bail then the court concerned ordinarily lists that application after a few days so that it can look into the case diary which has to be obtained from the police authorities and in the meantime the applicant has to go to jail. Even if the applicant is released on bail thereafter, his reputation may be tarnished irreparably in society. The reputation of a person is his valuable asset, and is a facet of his right under Article 21 of the Constitution vide **Deepak Bajaj v. State of Maharashtra, 2008(4) RCR (Criminal) 961:2008(6) Recent Apex Judgments (R.A.J.) 357: (2008) 16 SCC 14**. Hence, we are of the opinion that in the power to grant bail there is inherent power in the court concerned to grant interim bail to a person pending final disposal of the bail application. Of course, it is in the discretion of the court concerned to grant interim bail or not but the power is certainly there.*

54. Therefore, the presiding officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter considered the case after the receipt of the report"

7. As regards the submission of learned State counsel that petitioner is involved in other/another case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in **Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-



"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of above, the petitioner is ordered to be released on interim regular bail till the presentation of the FSL report before the concerned Court, subject to his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate.

9. Upon receipt of report of the Chemical Examiner, the petitioner shall surrender before the concerned trial Court and apply for fresh bail which shall be dealt with as per law. Needless to say, if the petitioner fails to surrender before the trial Court, the trial Court would be at liberty to proceed further in accordance with law and the present order shall not be construed as a bar in proceeding as per law.

10. With these observations, the present petition is disposed of.

11. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

13.11.2025
mamta

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No