



CRM-M-53767-2025

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

CRM-M-53767-2025

Date of Decision: 26.09.2025

VEER SINGH

..... Petitioner

*Versus*

STATE OF PUNJAB

..... Respondent

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. A.S. Brar, Advocate  
for the petitioner.

Mr. G.S. Dhaliwal, AAG, Punjab.

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**YASHVIR SINGH RATHOR, J. (Oral)**

1. Petitioner has filed 2<sup>nd</sup> petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No.69, dated 01.12.2024, under Section 15 of Narcotic Drugs and Psychotropic Substances Act (Section 29 of the NDPS Act, added later on) registered at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1).
2. The brief facts leading to the present case in nutshell are that on 01.12.2024, SI Sunita Rani along with other police officials was on patrolling duty in the area Police Station Fatehgarh Panjtoor, District Moga and when the police party reached near Grain Market Lalehandi, she received secret information to the effect that Veer Singh and Nishan Singh are present in their house and in case, a raid is conducted, they can be caught red handed and they can get recovered huge quantity of poppy husk from the places where they conceal it. Accordingly, ruka was sent for registration of FIR under Sections 15 of NDPS, Act and a raid was conducted at the house of both the accused where they were found



present. Accused Nishan Singh was interrogated and he suffered disclosure statement and in pursuance thereof, he got recovered two bags of poppy husk (each weighing 26 kgs), total 52 kg of poppy husk from some other place. Veer Singh-petitioner also suffered disclosure statement separately that his brother Nishan Singh provides him some quantity of poppy husk for sale to customers.

3. Learned counsel for the petitioner has contended that petitioner has been falsely implicated in this case. The disclosure statement suffered by the petitioner that his brother supplies the contraband and he sells the same is not admissible in evidence. No poppy husk has been recovered from the possession of the petitioner. Petitioner is in custody since 01.12.2024. After completion of investigation, challan has been already presented and till date, not a single witness has been examined. Learned counsel for the petitioner further contended that since no recovery has been effected from the petitioner, rigors of Section 37 of NDPS Act are not attracted and in view of his long incarceration, the petitioner is entitled to be released on bail.

4. On the other hand, learned State counsel has opposed the bail and argued that both Nishan Singh and the present petitioner indulge in sale of narcotics in complicity with each other and since huge quantity of poppy husk has been recovered which falls within the commercial quantity, rigors of Section 37 of NDPS Act are attracted and the petitioner is not entitled to be released on bail.

5. In the present case, both petitioner Veer Singh and his brother Nishan Singh were apprehended from their house but Nishan



Singh has suffered his disclosure statement and got recovered 52 kg of poppy husk and no contraband was recovered from the petitioner. As to how much evidentiary value will be attached to the disclosure statement suffered by the accused shall be subject matter of trial. Petitioner is in custody since 01.12.2024 and till date, not a single witness has been examined. Hon'ble Supreme Court in 2023 Live Law (SC) 533, ***Rabi Prakash Vs. State of Odisha*** has held that prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37 of the NDPS Act. To the same effect is the law laid down by Hon'ble Supreme Court in 2024 (4) RCR (Criminal) 172, ***Ankur Chaudhary Vs. State of Madhya Pradesh*** and 2023 AIR(SC) 1648, ***Mohammad Muslim alias Hussain Vs. State (NCT of Delhi)*** in which Hon'ble Supreme Court while granting regular bail to an accused, from whom commercial quantity of contraband was recovered, has held that grant of bail on the ground of undue delay in trial cannot be said to be fettered by Section 37 of the NDPS Act. A co-ordinate Bench of this Court has also held so in judgment reported as Law Finder Doc Id #2770222 – ***Garpawandeep Singh alias Bihari Vs. State of Punjab*** decided vide judgment dated 27.08.2025 passed in CRM-M-19408 of 2025 wherein 260 grams of heroin was allegedly recovered. Hon'ble Supreme Court while deciding Special Leave to Appeal (Criminal) No.12788/2023 titled ***Nandalal Mondal alias Abhay Mondal Vs. The State of West Bengal***, vide judgment dated 03.01.2024 while taking into



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consideration the period of custody already undergone by the petitioner/under-trial, the fact that he does not have any criminal antecedents and also keeping in view the prolonged incarceration, ordered release of the petitioner on bail who was also found in possession of 10,000 ml of codeine phosphate- a cough syrup which falls within the commercial quantity.

6. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)  
JUDGE

26.09.2025  
*monika*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |