



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

228

CRM-M-54303-2025

Date of decision: 06.11.2025

LAKHBIR SINGH @ LAKHA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

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

Present : Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Rahul Jindal, AAG Punjab.

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

1. This is the second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed by the petitioner for grant of regular bail to the petitioner in case FIR No.147 dated 23.05.2023, under Section 21 (c), 23 and 25 of NDPS Act and Section 25 of Arms Act (Offence under Sections 27-A, 29 of NDPS Act added later on), registered at Police Station STF Wing (SAS Nagar) Punjab.

2. Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.

3. Brief facts of the prosecution case are that on 23.05.2023, SI Baljinder Singh along with other police officials was present at Police Station Lopoke, Amritsar Rural when he received secret information at about 6 a.m. to the effect that one Lakhbir Singh @ Lakha (petitioner) smuggles Heroin and illegal ammunition from Pakistan with the help of drones and on 22.5.2023, he has taken huge consignment of Heroin and ammunition and one drone to the house of



his acquaintance namely Jagdeep Singh and he is staying at the house of Jagdeep Singh. In case, a raid is conducted, he can be caught red handed along with the contraband and illegal weapons. Thereafter, the police party reached the house of Jagdeep Singh at village Karrial, Police Station Bhindi Saidan, Amritsar where Lakhbir Singh (petitioner) was found lying on the bed. He was apprehended and he disclosed that an envelope containing Heroin is lying under the driver's seat of his Creta car, a rifle in the dicky of the car, an illicit pistol in the dashboard and one drone has been kept in a box in the house which was procured from Delhi. Thereafter, he led the police to his car parked outside from which, 1 kg 600 grams of Heroin, rifle 315 bore along with one pistol were recovered. All the aforesaid articles were taken into possession and duly sealed. He got recovered one drone from the house which had been kept in a box lying in the room. He was arrested on 23.05.2023. After completion of investigation, challan was presented for trial.

4. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He is in custody since 23.05.2023 and after completion of investigation, challan has been presented. Out of total 25 witnesses cited by the prosecution, only 02 witnesses have been examined till date and trial is getting delayed. Learned counsel further contended that prolonged incarceration and undue delay in disposal of the trial can over-ride the rigors of Section 37 of the NDPS Act considering the fundamental right of personal liberty of petitioner under Article 21 of the Constitution of India and learned counsel prayed that petitioner be released on bail. In support of his contention, learned counsel has relied upon judgments of this Court in CRM-M-21794 of 2023–**Sandeep Singh Vs. State of Punjab** decided on 05.05.2023, CRR-1785 of 2018 (O&M)-**Vicky Kaur Vs. State of Punjab**, decided on 13.08.2018,



CRM-M-14029 of 2018—**Kamlesh Vs. State of Punjab**, decided on 06.05.2015, CRM-M-17321 of 2025—**Jassu Ram @ Jasuram Vs. State of Punjab**, decided on 04.04.2025 and a judgment of Hon’ble Supreme Court in Special Leave to Appeal (Crl.) No. (s).12788/2023 – **Nandalal Mondal @ Abhay Mondal Vs. The State of West Bengal**.

5. On the other hand, learned State Counsel has opposed the bail and argued that the petitioner has committed a heinous crime as he was found in possession of commercial quantity of heroin and ammunitions and in view of rigors contained in statutory provision of Section 37 of NDPS Act, he is not entitled to the benefit of bail.

6. As per allegations, petitioner was found to be in possession of 1 kg 600 grams of heroin along with ammunition, which falls under commercial quantity. Petitioner is in custody since 23.05.2023 and out of total 25 witnesses cited by the prosecution, only 02 witnesses have been examined till date. The trial thus has been delayed and there is also no likelihood of the same being concluded soon. 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 which taking into 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.

7. Therefore, taking into consideration the facts and circumstances of the present case and also the ratio of law laid down in afore-mentioned case laws, I am of the opinion that no useful purpose will be served by keeping the petitioner in custody and resultantly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions. However, in addition to the terms and conditions that may be imposed by the trial Court/Duty Magistrate concerned, petitioner shall remain bound by the following conditions:-

- (i) Petitioner shall not misuse the concession of bail granted to him.
- (ii) Petitioner shall not tamper with any evidence, oral or documentary during the trial.
- (iii) Petitioner shall regularly appear before the trial Court and he



- will not commit any offence of similar nature while on bail.
- (iv) Petitioner shall deposit his passport, if any, with the trial Court.
  - (v) Petitioner shall not in any manner delay the trial.

In case of breach of any of the aforesaid conditions or the conditions that may be imposed by the trial Court or upon any other sufficient cause, the State shall be at liberty to apply for cancellation of bail.

06.11.2025

Priyanka Thakur

(YASHVIR SINGH RATHOR)  
JUDGE

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