



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-54638 of 2025

Date of Decision: 18.11.2025

Bohar Singh alias Lavi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Lovish Arora, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred as “the NDPS Act” only, the FIR No. 22 dated 31.01.2025 has been lodged in Police Station City Moga, District Moga, Punjab. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. It has been alleged by the prosecution that during the course of investigation of above mentioned case, the petitioner was arrested on 31.01.2025. The petitioner is in custody since then, and therefore, for the concession of bail he has approached this Court, by virtue of present petition under Section 483 of BNSS.

FIR of this case came into being at the instance of Inspector Gurpreet Singh who had reported that on 31.01.2025 when he was heading a police party deputed for patrolling duty, an informant gave him a tip-off that Bohar Singh alias Lavi, resident of Fatte Wala, District Ferozepur, who used to trade in heroin, had received a large quantity of heroin, and that he was carrying the same in his white colour swift car bearing registration No. HR-30-H-8288. According to informant, the above named person was waiting for customers at an isolated place in Delhi Colony.

4. It was further reported by the above named Inspector that in view of the above mentioned information he went to the above mentioned spot, apprehended the above named person and checked the vehicle. As per above named police officer, on checking, it was found that the above named person was in possession of 255 grams of heroin. It is the case of prosecution that when the above mentioned contraband was recovered, the necessary formalities with regard to seizure and sealing of contraband, lodging of FIR and arrest of accused were performed and thereafter, further investigation taken up.

5. Heard.

6. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that a false recovery of contraband has been planted upon the petitioner. According to learned counsel for the petitioner, the most glaring defect in the prosecution story is that despite information in advance any eye witness has not been joined.

7. In addition to above, the learned counsel for the petitioner has

also argued that in the present case, the petitioner is already in custody for a period of more than nine & a half months, and that the trial is taking place at a very slow pace as out of 13, only one prosecution witness has been partly examined. According to learned counsel for the petitioner, the conclusion of trial is likely to take a long time, and that nothing is left to be recovered from the possession of the petitioner and therefore, detention of the petitioner is not likely to serve any purpose.

8. Per contra, the learned State counsel has argued that the recovery of contraband from the possession of petitioner comes within the ambit of commercial quantity and the petitioner does not have clean antecedents as he is already facing prosecution in three other cases under the NDPS Act. According to learned State counsel, without satisfying the twin conditions enshrined under Section-37 of the NDPS Act, the petitioner cannot be accorded the benefit of bail.

9. The record has been perused carefully.

10. A perusal of the record shows that the allegations against the petitioner are for being in possession of commercial quantity of contraband and therefore, this argument of learned State counsel holds good that without satisfying the twin conditions enshrined under Section-37 of the NDPS Act, the petitioner cannot be released on bail. In the present case, there is nothing on record to show that any of the twin conditions enshrined under Section-37 of the NDPS Act stands satisfied.

11. In addition to above, it is also relevant to mention here that the total custody of petitioner is for a period of nine & a half months only, and the above said period cannot be treated to be a period of prolonged

incarceration.

12. As a sequel to the above mentioned discussion, it is hereby held that at this stage, any ground for according the benefit of bail to the petitioner is not made out, and the present petition being devoid of merits devoid of merit and deserves dismissal. Thus, the present petition is hereby dismissed, accordingly.

(Surya Partap Singh)
Judge

November 18, 2025
“DK”

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