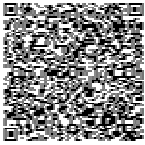


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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-58785-2024 (O&M)
Date of decision: 24.01.2025

Ram Naryan Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rana Ghuman, Advocate
for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 160 dated 31.07.2023, registered under Sections 22(c) of the NDPS Act, 1985 at Police Station Talwandi Sabo, District Bathinda. The first petition bearing number **CRM-M-27846-2024** was dismissed by this Court on 07.08.2024. The operative part of the order dated 07.08.2024 read as under:

“6. The petitioner was apprehended by the police party on 31.07.2023 and recovery of Clovidol-100 SR having salt of Tramadol Hydrochloride IP 100 was effected from him, which obviously falls under the commercial quantity. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 439 of Cr.P.C. Since the commercial quantity of the contraband is involved in this

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case, the rigors of Section 37 of the Act would also be attracted against the petitioner. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.”

2. The only argument which has been raised by learned counsel for the petitioner for grant of regular bail to the petitioner is that the extended period of incarceration has entitled the petitioner to be released on bail and therefore, it is urged by him that the petition deserves to be allowed.

3. *Per contra*, learned Assistant Advocate General, Punjab has argued that the petitioner was apprehended by the police party on 31.07.2023 and recovery of 1000 intoxicant tablets namely Clovidol-100 SR having salt of Tramadol Hydrochloride IP 100, which falls under the commercial quantity, was effected from him. The rigors of Section 37 of the NDPS Act would be attracted against him. Even otherwise, the present petition is not maintainable as the same has been filed without there being any material change in circumstances. The extended period of incarceration alone is not a ground to grant bail to the accused. It is, thus, argued that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

5. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 07.08.2024. The instant one has been filed within a period of six months of the said order. It is well settled proposition

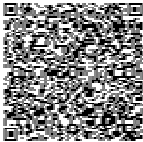
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of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused 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 of long incarceration.

6. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. 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. He was nabbed at the spot while in possession of a commercial quantity of the contraband. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail,

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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.

24.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No