

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

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CRM-M-61904-2024 (O&M)
Date of decision: 08.08.2025

Saurav Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 145 dated 12.07.2023, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') and Section 25 of the Arms Act, 1959 at Police Station Division No. 8, District Jalandhar Commissionerate, Punjab. The first petition, bearing number **CRM-M-30583-2024**, was dismissed by this Court on 23.08.2024. The operative part of the order reads as under :

“6. On a perusal of the record, it reveals that the petitioner is in custody since 12.07.2023. The alleged recovery effected from the petitioner was of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. There are serious and

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specific allegations against the petitioner. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. The arguments raised by learned counsel for the petitioner with regard to flaws in investigation cannot be looked into at this stage as the same is to be decided by the trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.”

2. Learned counsel for the petitioner has placed on record sworn deposition of PW-1 ASI Ranjit Singh to submit as per contents of the FIR, the alleged contraband was of light yellow colour, whereas a perusal of the FSL report would show that the sample sent for chemical examination was of brown colour. The police have concocted the story of the said bag falling down and being torn off, thereby the contraband being visible, only in order to avoid compliance of Section 50 of the NDPS Act. The aforesaid contradiction shows that the petitioner has been falsely implicated and the same has entitled the petitioner for grant of bail as he is in custody since 12.07.2024 and conclusion of trial is likely to take time. It is, thus, urged that the petition deserves to be allowed.

3. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations, the petitioner is not entitled to get benefit

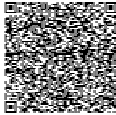


of bail. There is no substantial change in circumstances. The said contradiction is minor one and is obviously ignorable. Hence, it is urged that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

5. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 23.08.2024. He has filed the present petition on the grounds of some contradictions in the sworn deposition of PW-1 Ranjit Singh. It is well settled that while deciding a bail petition, the High Court is not required to look into the evidence and appreciate the same. Even otherwise, the contradiction pointed out by learned counsel for the petitioner is minor one and does not vitiate the case of the prosecution at all. It is well settled proposition 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

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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. There are serious and specific allegations against the petitioner. 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, 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.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

08.08.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No