



CRM-M-70711-2025

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

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CRM-M-70711-2025

Ayush Mishra

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 19.12.2025**Date of Uploading : 19.12.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Jagjot Singh Lalli, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 483 read with Section 528 of the Bharatiya Nagarik Sanhita, 2023 (hereinafter referred to as 'BNS, 2023) for grant of interim bail to the petitioner for a period of 07 days in FIR No.176 dated 03.07.2025 registered under Sections 21 and 29 of the NDPS Act and Section 25 of the Arms Act at Police Station STF, SAS Nagar, Mohali on the ground of performing last rites and rituals of his grandfather, who is stated to have expired on 26.11.2025.

2. Learned counsel for the petitioner has iterated that the petitioner is a law-abiding citizen and has been falsely implicated in the present case solely on the basis of alleged secret information. Learned counsel has further submitted that the purported recovery of contraband and arms has been planted upon the petitioner with an oblique and mala fide motive. It has been emphasized that, on humanitarian grounds, the petitioner



deceased may be permitted to perform certain religious rites which, as per Hindu customs, are required to be performed within forty days of the death. Learned counsel has further submitted that the petitioner has remained in custody since 03.07.2025 and that the learned Special Court, Ludhiana, has erroneously declined the grant of interim bail vide order dated 04.12.2025 on untenable and flimsy grounds. On the strength of the aforesaid submissions, the grant of the present petition is earnestly prayed for.

3. *Per contra*, learned State counsel (on the strength of advance notice) has vehemently opposed the prayer for grant of interim bail on the ground that the petitioner is involved in a serious offence under the NDPS Act involving commercial quantity as well as illegal arms. Learned State counsel has submitted that the statutory bar contained under Section 37 of the NDPS Act is fully attracted even at the stage of consideration of interim bail. It has further been contended that the petitioner has multiple criminal cases registered against him, though he may have been granted anticipatory bail therein, which reflects adversely upon his criminal antecedents. Furthermore, no exceptional or accentuating circumstance exists which may warrant the grant of interim bail at this stage. On the strength of these submissions, dismissal of the instant petition has been prayed for.

4. I have heard learned counsel for the rival parties and have perused the available record.

5. Indubitably, serious allegations have been levelled against the petitioner. The petitioner is facing prosecution for offences punishable under Sections 21 and 29 of the NDPS Act, which is grave and serious in nature and entails stringent punishment. The rigours of Section 37 of the



NDPS Act place a clear embargo on the grant of bail unless the Court is satisfied that there are reasonable grounds to believe that the accused is not guilty of the alleged offence and that he is not likely to commit any offence while on bail. These twin conditions are mandatory and apply with equal force even to a prayer for interim bail. The plea of false implication and alleged planting of recovery involves disputed questions of fact which cannot be adjudicated at this stage and are matters to be tested during trial. At present, the recovery reflected in the FIR cannot be brushed aside merely on the bald assertion of the petitioner. Additionally, it cannot be lost sight of that the place where the petitioner seeks to perform the alleged rites is situated at Muzaffarpur, which is at a considerable distance from Ludhiana. Grant of interim bail in such circumstances would entail logistical and administrative difficulties for the police in ensuring effective monitoring, escort and security arrangements, thereby adversely impacting the ongoing investigation as well as the administration of justice. As regards the humanitarian ground urged by the petitioner, this Court is not unmindful of the emotional and religious sentiments attached to the demise of a close family member. However, the material placed on record indicates that the petitioner is not the sole surviving legal heir and it has not been demonstrated that the performance of religious rites is legally or practically impossible in his absence. Moreover, the principal ceremonies are stated to have already been performed on 07.12.2025, as acknowledged by the petitioner himself.

6. Furthermore, the petitioner is stated to be involved in other criminal cases as well, though he may have been granted anticipatory bail



therein. Such antecedents cannot be ignored while assessing the overall conduct of the petitioner. It is also not in dispute that the petitioner had earlier approached the learned Special Court, Ludhiana, seeking similar relief, which was declined by a reasoned order, dated 04.12.2025. No fresh, compelling, or exceptional circumstance has been brought on record warranting interference by this Court. The grant of interim bail in cases involving serious offences under the NDPS Act cannot be extended as a matter of routine on sympathetic considerations alone, particularly when the statutory restrictions under Section 37 of the Act remain unsatisfied.

7. In view of the prevenient ratiocination, it is ordained thus:
- (i) The petition in hand is dismissed being devoid of any merits.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation/trial.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 19, 2025
Ajay

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