



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

256

CRM-M-71656-2025 (O&M)

Date of decision:23.12.2025

Maninder Singh @ Amrinder Singh Noney

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vishavjeet Singh Rishi, Advocate, for the petitioner.

Mr. Jasjit Singh, DAG, Punjab

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 483 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is for grant of regular bail to the petitioner in case FIR No.244 dated 22.10.2023, registered under Section 21 of NDPS Act at Police Station Jamalpur, District Ludhiana.

2. Learned counsel contends that the petitioner has been in custody for 2 years, 1 month and 28 days. He alleges false implication in the case. The alleged recovery was effected from the dash-board of a car, of which the petitioner was sitting behind the co-passenger and is marginally above the non-commercial quantity, it being 260 grams of heroin. He is not the owner of the vehicle. It is debatable as to whether he can be said to be in conscious possession of the contraband. Co-accused, Ashu, driver of the vehicle has since passed away.



Charges stand framed on 21.08.2024, however, 03 out of 16 PWs have been examined. Co-accused Amandeep Singh, who was also a co-passenger, has been granted bail by this Court, after being in custody for 2 years and 13 days, vide order dated 06.11.2025, Annexure P-2, and was also involved in one more case under the NDPS Act, so is the petitioner is involved in two more cases, besides one under the Arms Act, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 22.12.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 years, 01 month and 28 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the vehicle in which the petitioner was travelling. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being not involved in any other case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The**



State of West Bengal SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year, 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

7. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted the bail to the petitioner therein after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

8. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years, 01 month and 28 days; not involved in any other case; charges were framed on 21.08.2024; out of 16 prosecution witnesses, only 03 have been examined, the trial is likely to take a considerable time; further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

9. The petitioner is ordered to be released on regular bail, subject to



furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

10. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

11. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed



independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

23.12.2025
dinesh

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