



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

218

CRM-M No.3131 of 2026

Date of decision : 18.2.2026

Date of uploading : 18.2.2026

Dara Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Anand, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.71 dated 4.7.2025, under Sections 22 and 29 (added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kiratpur Sahib, District Rupnagar.

2. The gravamen of the allegations against the petitioner is that the petitioner was apprehended by the police upon suspicion, while driving car he has thrown a polythene bag towards the canal side from the driver's seat. Upon having conducted search thereof, recovery of 17 grams of intoxicant powder (diacetylmorphine) was allegedly effected from it.

3. Learned counsel for the petitioner has iterated that the petitioner



is in custody since 4.7.2025. Learned counsel has further submitted that the mandatory provisions of the NDPS Act have not been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the contraband alleged to have been recovered from the petitioner is 17 grams of intoxicant powder (diacetylmorphine), which is non-commercial quantity specified in the notification issued under the NDPS Act. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 17.2.2026. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel has further submitted that the instant bail plea is barred by the rigors of Section 37 of the NDPS Act, and thus, the same ought to be dismissed.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 4.7.2025 wherein after investigation was carried out, and challan was prepared on 2.9.2025 and subsequently filed. Total 29 prosecution witnesses have been cited but none has been examined till date. It is thus, indubitable that conclusion of the trial will take long. It is not in dispute that the contraband allegedly recovered from the petitioner is of intoxicant powder (diacetylmorphine),



which is non-commercial quantity. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per the custody certificate dated 17.2.2026, the petitioner has already undergone a total custody period of 7 months and 9 days. As per the said custody certificate, the petitioner is stated to be involved in multiple other cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.



Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.



- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

18.2.2026
Ashwanii

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