



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

CRM-M-10131-2026

Date of decision: 25.05.2026

AJAY SINGH @ AJAY

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Ajay Kumar Rana, Advocate for the petitioner.

Ms. Navreet K. Barnala, AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. This is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short - 'the BNSS'), for grant of regular bail in case bearing FIR No.41 dated 08.02.2025, under Sections 21(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Anti Task Force, District ANTF Wing.

2. In the present case, the police apprehended the petitioner along with co-accused, namely, Chamkaur Singh and recovered 400 grams of heroin from the pocket of co-accused Chamkaur Singh.

3. Learned counsel for the petitioner prayed for grant of regular bail to the petitioner on the following grounds:

- i. Petitioner has been falsely implicated in the present case;
- ii. Nothing has been recovered from the possession of petitioner and the alleged contraband was recovered from the pocket of co-accused, namely, Chamkaur Singh;



- iii. Petitioner is in custody since 12.02.2025 i.e. for the last 01 year, 03 months and 12 days;
- iv. Petitioner is not involved in any other case and is having clean and clear antecedents; and
- v. Investigation of the present case has already been completed and final report under Section 193 of the BNSS has been filed.

3. Learned State counsel has opposed the prayer of the petitioner on the grounds that on the basis of secret information, the petitioner along with co-accused was apprehended and commercial quantity of contraband, i.e. 400 grams of heroin, was recovered from the pocket of co-accused, namely, Chamkaur Singh. However, learned State counsel did not dispute the fact that the petitioner is having clean and clear antecedents and is not involved in any other case.

4. Heard.

5. Keeping in view the facts and circumstances of the present case, this Court finds merit in the present petition for grant of concession of regular bail to the petitioner on the following grounds:

- i. Petitioner is in custody since 12.02.2025, i.e. for the last 01 year, 03 months and 12 days;
- ii. Nothing has been recovered from the possession of the petitioner and the alleged contraband was recovered from the pocket of co-accused, namely, Chamkaur Singh;
- iii. Investigation of the present case has already been completed and final report under Section 193 of the BNSS has been filed;



iv. Petitioner is not involved in any other case and is having clean and clear antecedents; and

v. Trial will take sufficient time to conclude. No fruitful purpose would be served by keeping the petitioner in custody for any further period.

6. Although the NDPS Act prescribes stringent conditions for the grant of bail, every statute is required to operate in conformity with the fundamental principles enshrined in the Constitution of India. Given that the present petitioner has suffered incarceration since 12.02.2025, i.e. for approximately 01 year, 03 months and 12 days, notwithstanding the rigours of NDPS Act, the fundamental right guaranteed under Article 21 cannot be rendered illusory and must be duly balanced.

7. The Hon'ble Apex Court in ***V. Senthil Balaji v. The Deputy Director, 2024 INSC 739***, held that higher thresholds for granting bail in stringent penal statutes like the PMLA, UAPA, and NDPS Act cannot be a tool to keep an accused incarcerated without trial:

25.such statutes contain provisions laying down higher threshold for the grant of bail. The expeditious disposal of the trial is also warranted considering the higher threshold set for the grant of bail. Hence, the requirement of expeditious disposal of cases must be read into these statutes....

*26. There are a series of decisions of this Court starting from the decision in the case of **K.A. Najeeb**², which hold that such stringent provisions for the grant of bail do not take away the power of Constitutional Courts to grant bail on the grounds of violation of Part III of the Constitution of India."*



8. Hence, balancing the petitioner’s fundamental right to life and personal liberty with the stringent provisions of the NDPS Act, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is **allowed**. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

May 25, 2026
Manisha

(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No