



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-12165-2026
Date of decision: 23.04.2026

SHAWAR LAL

.....PETITIONER

Versus

STATE OF PUNJAB

. RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Chiran Sharma, Advocate for
Mr. Vikramjeet Singh, Advocate
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of ‘the Bharatiya Nagarik Suraksha Sanhita, 2023’. This petition has been filed with regard to a case arising out of FIR No.167 dated 06.07.2025, for the commission of offence punishable under Sections 15(c), 27, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Canal Colony, District Bathinda.

2. Briefly stating the facts emerging from record are that the FIR of



this case came into being at the instance of Sub Inspector Rajvir Singh. It was reported by the above-named police officer that on 06.07.2025 he was leading a team of police officials, and was present at Badal Over Bridge Nanni Chhan Chowk, Bathinda. As per above-named police officer there another police party headed by Head Constable Inderjit Singh met him and when they were on joint patrolling duty, at about 1:05 P.M. near Ring road T-point they spotted a truck/Tralla parked under the bridge. As per above-named police officer three persons standing near the truck were managing the tarpaulin, fixed on the truck. According to above-named police officer when the above-said three persons noticed the presence of police party near them, they behaved abnormally, and therefore, on the basis of suspicion they were apprehended.

3. It is the case of the prosecution that when the search of the truck was carried out nine quintal of poppy husk was recovered. According to prosecution, pursuant to recovery of above-mentioned contraband, requisite formalities with regard to seizure and sealing of contraband, formal arrest of the accused and filing of FIR were completed and further investigation taken up.

4. Heard.

5. It has been contended by learned counsel for the petitioner that in the present case the petitioner has already suffered a prolonged incarceration for being in custody for a period of nine months. According to learned counsel for the petitioner one of the important fact to be taken into consideration in the present case, is that the prosecution story in itself shows that the petitioner was not in conscious and actual physical possession of the contraband. According to learned counsel for the petitioner unnatural story has been setout by the



prosecution by alleging that the petitioner and his co-accused were managing the tarpaulin fixed on the truck/trolla. As per learned counsel for the petitioner the above-mentioned act of the petitioner by any standard does not amount to conscious possession of contraband. It has also been contended by learned counsel for the petitioner that otherwise also the petitioner has clean antecedents and the trial is not likely to be concluded in near future.

6. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel in the present case the recovery of contraband is from the truck and the petitioner is the registered owner of the above-mentioned truck, As per learned State counsel in view of above, the link between the commission of crime and the petitioner stands established. The learned State counsel has further contended that in the present case the recovery of contraband comes within the ambit of commercial quantity, and therefore, without satisfying the rigors enshrined under Section 37 of NDPS Act, the benefit of bail cannot be afforded to the petitioner.

7. The record has been perused carefully.

8. A perusal of record shows that in the present case there are very specific and categorical allegations against the petitioner that he alongwith his co-accused was present on the spot, i.e. near the truck, and he was managing the tarpaulin fixed on the above-mentioned truck. It is also relevant to note that at the very first instance when the FIR, in this case, was lodged there is a very specific recital in the FIR that the petitioner and his co-accused, when spotted the police party, tried to hide themselves by taking shelter of the trucks. The above-mentioned action of the petitioner and his co-accused *prima faice* shows that the petitioner was very well aware of the presence of contraband on the



truck.

9. In addition to above, it is also relevant to mention here that in the present case, there are allegations with regard to recovery of commercial quantity of contraband from the possession of petitioner, and there is nothing on record to show that rigors of Section 37 of NDPS Act stands complied with, in any manner, whatsoever, in the present case.

10. In addition to above, it is also relevant to mention here that the total custody period of the petitioner is not even 10 months and such a period cannot be treated to be a period which may lead to an inference that there is delay in trial, violating the fundamental rights of speedy trial, guaranteed to the petitioner.

11. Taking into consideration the cumulative effect of all the above-discussed factors, it is hereby observed that at this stage the petitioner is not entitled for the benefit of bail and the present petition deserves dismissal. Hence, the present petition is hereby **dismissed** accordingly.

(SURYA PARTAP SINGH)
JUDGE

23.04.2026

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