

2026:PHHC:060132



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-12549-2026

Date of decision: 21st April, 2026

Daler Singh @ Dalera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.B.S. Goraya, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 122 dated 20.09.2024 registered under Section 21-C of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') and Sections 10, 11 and 12 of Aircraft Act, 1934 (added vide DDR No. 23 dated 13.05.2025) at Police Station Khalra, District Tarn Taran.

2. Brief facts of the case relevant for the disposal of the present petition are that on 20.09.2024, a secret information was received by Sub Inspector Lakhbir Singh to the effect that two youths would get some intoxicating substance dropped near the defence drain by a drone from Pakistan. The police party reached at the informed place and found a packet

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lying on the ground, which was wrapped with a yellow coloured cloth. The said packet was opened and it was found containing *heroin*, which weighed as 02 kgs. 508 grams. Accordingly, the present FIR was registered and investigation proceedings were initiated. During the course of investigation, the petitioner was arrested on 11.12.2024. On interrogation, the petitioner admitted his involvement in the crime by saying that he had got dropped the recovered contraband through a drone from Pakistani smugglers but could not collect the same due to patrolling of police and BSF personnel. On his disclosure, Malkit Singh and Sukhdeep Singh @ Sukha were nominated as additional accused and were arrested subsequently.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and it was only on the basis of some secret information which cannot be considered to be legally admissible in evidence, that he was nominated as such. The disclosure statement allegedly suffered by him cannot be stated to be legally admissible. The alleged recovery was effected from an open place and not at his instance. No recovery has been effected from him. He is in custody for a period of over 01 year and 04 months. The trial will take considerable time to conclude as only 01 out of 25 prosecution witnesses has been examined so far. The rigors of Section 37 of NDPS Act are not attracted qua him. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. With these broad submissions, it is urged that the petition deserves to be allowed.

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4. Status report and custody certificate have been filed by respondent-State. It is argued by her that taking into consideration the gravity of the allegations as levelled against the petitioner, the fact that the commercial quantity of contraband was recovered from the spot, the petitioner does not deserve to be released on bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner is alleged to have been involved in smuggling of contraband from the cross border country and is further alleged to have arranged to get commercial quantity of *heroin* dropped in some open fields. The contraband was recovered from the open fields. As such, it is a debatable question as to whether the recovery has to be considered to be effected from the conscious possession of the petitioner. The petitioner is in continuous custody w.e.f. 11.12.2024. He is not required for further investigation. It is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed upon the observations made by Hon'ble Apex Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi)***, 2023 SCC OnLine SC 352, wherein it was held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section 37 of the NDPS Act, given the imperative of Section 436-A of Cr.P.C. which is

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applicable to offence under the Act. It was also observed that jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon ***Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023*** decided on 14.09.2023 and ***Rabi Prakash v. State of Odisha, 2023 SCC Online SC 110***, wherein the Hon'ble Supreme Court had extended benefit of bail to the accused who had been incarcerated for a long period by observing that prolonged incarceration militated against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

7. Reliance can also be placed upon ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, which is a recently pronounced verdict of Hon'ble Supreme Court observing that rigours of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion of trial. In the above-mentioned case the Hon'ble Supreme Court of India held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance, was entitled for bail in view of her incarceration for a period of 19 months.

8. Similarly in another case i.e. in the case of ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*** prolonged

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incarceration and inordinate delay engaged the attention of the Hon'ble Supreme Court of India, which considered the correct approach towards bail, with respect to several enactments, including Section 37 NDPS Act. The court expressed the opinion that Section 436A (which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods) of the Criminal Procedure Code, 1973 would apply.

9. In the case of *Ismail Khan @ Pathan vs. State of Rajasthan Criminal Appeal No.4911 of 2025* with regard to recovery of commercial quantity of narcotic substance, the Hon'ble Supreme Court of India accorded the benefit of bail to the accused in view of prolonged incarceration for a period of 02 years and 08 months of the accused.

10. The similar benefit has been extended in another appeal i.e. *SLP No.15699-2025 titled as Ebrahim @ Ibrahim SK vs. The State of West Bengal* and in the case of *Pamesh Arora vs. UT Chandigarh Criminal Appeal No.4872 of 2025*.

11. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for a period of 01 year, 04 months and 06 days, the trial is not likely to be concluded in near future as most of the prosecution witnesses are yet to be examined; the continued detention of the petitioner is not likely to serve any fruitful purpose; there is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond.

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12. In view of the above discussion, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence is exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

13. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

14. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st April, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |