

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:074623



222

CRM-M-15047-2026 (O&M)
Date of decision:12.05.2026

Ashok Kumar @ Ram

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arun Sharma, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

The instant one is the second petition as filed by the petitioner seeking grant of regular bail in case arising out of FIR No.15 dated 26.02.2024, registered under Sections 22-C, 27 and 29 of the NDPS Act, at Police Station Bassi Pathana, District Fatehgarh Sahib. His previous petition bearing CRM-M-45069-2025 had been dismissed as withdrawn vide order dated 09.12.2025.

2. As per the allegations, on 26.02.2025, while performing patrolling duty at 'T' point Shaheedgarh, Bassi Pathana, a police party had given signal to stop a car bearing registration No.CH-01-AK-5325 for routine checking. The car driver after stopping the car along with two more persons alighted from the car. The driver of the car disclosed his name as Sarabjit Singh @ Billa and other occupants disclosed their names as Rulda

Khan and Sandeep Singh @ Sonu. On conducting search, 185 injections of Leegesic and 185 vials of Avil were recovered from their conscious possession, which was taken into possession by the police. The above named persons were formally arrested. On interrogation, accused Sarabjit Singh @ Billa suffered disclosure statement to the effect that he used to purchase the intoxicant injections from the present petitioner at the rate of Rs.350/- per injection. The petitioner was nominated as an accused and was arrested on 29.07.2024. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No recovery has been effected from him. Co-accused Sarabjit Singh @ Billa, from whom recovery had been effected has since been extended the benefit of bail. The case of the petitioner is at better footing and hence, he deserves to be extended the same benefit. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Each day spent by him in custody has furnished a reason afresh to him to seek concession of bail. It is, therefore, argued that he deserves to be extended the benefit of bail.

4. Per contra, learned State counsel has argued that the petition is not even maintainable as it is a successive bail petition. It is further argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserves to be extended the benefit of bail.

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

6. So far as the question of maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed by Hon'ble Supreme Court.

7. The petitioner is alleged to have supplied the recovered contraband to the co-accused Sarabjit Singh @ Billa. He has been nominated in this case on the basis of the disclosure statement made by the co-accused. No recovery has been effected from him. The petitioner is in custody since long. In ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery has been effected from the petitioner. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation has been completed. The trial will take considerable time to conclude. The co-accused Sarabjit Singh @ Billa has already been granted concession of bail. Keeping

in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Taking into consideration the above discussed facts but without meaning to make any comments on the merits of the case lest the same prejudice the trial in any manner, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

12.05.2026*harjeet***(MANISHA BATRA)
JUDGE**

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