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

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**CRM-M-15981-2026 (O&M)
Date of decision : 22.04.2026**

Raghu @ Nitu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manoj R. Sharma, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 50 dated 26.06.2025, registered under Sections 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Behrampur, District Gurdaspur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 26.06.2025, co-accused Malkit Singh, Rishi Saini and Parth Saini, while travelling in a car, were apprehended by a police party. During personal search of co-accused Malkit Singh, recovery of one pistol along with magazine containing 05 live cartridges was effected from him. He could not produce any license for the same. Upon search of the car, recovery of 270 grams of heroin was effected. The recovered articles were taken into possession by the police. The co-accused were formally arrested. They suffered

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disclosure statements admitting their guilt and disclosed that the recovered articles were procured from an unknown person in Shanni Beli, Himachal Pradesh. During further investigation, the petitioner came out as the person who had supplied the recovered contraband to the co-accused. He was nominated as co-accused in this case and was arrested on 02.02.2026. Investigation has since been completed and challan has been filed.

3. It is argued by learned counsel for the petitioner that he was neither found at the spot nor was named in the FIR. He has been nominated in this case on the basis of the disclosure statements suffered by the co-accused, which cannot be considered to be admissible in evidence. No subsequent recovery has been effected from him. There is nothing on record to show that the petitioner was involved in the subject crime in any manner with the co-accused. He has clean antecedents. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as no prosecution witness has been examined so far. He has been in custody since 02.02.2026. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail as Section 37 of the NDPS Act would be attracted in this case. It is, thus, argued that the petition is liable to be dismissed.

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5. This Court has heard the rival submissions.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the petitioner was the supplier of the recovered contraband. His implication in this case is based on the disclosure statements suffered by the abovenamed co-accused. 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 was ever effected from the petitioner. The petitioner was arrested on 02.02.2026. 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-

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accused in any manner at the relevant time. He has clean antecedents. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time. 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. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

22.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No