

2026:PHHC:068682



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-20028-2026

Girish Talreja

....Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 04.05.2026

Date of Uploading : 05.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vikram Chaudhri, Senior Advocate with
Ms. Hargun Sandhu, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. The present second petition under Section 483 of BNSS, 2023 has been filed by the petitioner seeking regular bail in FIR No.226 dated 15.11.2024 registered under Section 15 of the NDPS Act (later on added Sections 25, 27-A, 29, 31, 61 and 85 of NDPS Act, 1985 and Sections 25, 25(1)(b), 54 and 59 of Arms Act, 1959) at Police Station Sadar Jalandhar, District Police Commissionerate, Jalandhar, Punjab.
2. The prosecution case, as emerging from the record, is that acting upon secret information, the police on 15.11.2024 at about 12:05 AM, intercepted certain vehicles and recovered a commercial quantity of poppy husk i.e. 15 quintals and 40 kgs from accused Guravtar Singh Tari, Des Raj and Daler Singh. The occupants of the vehicles were apprehended on the spot. During investigation, the arrested accused allegedly disclosed

procurement, financing and settlement of accounts pertaining to the narcotic substance. On the basis of the said disclosure statements and further investigation, the petitioner was nominated as an accused. The prosecution has alleged that the petitioner was part of a well-organized drug trafficking network, operating across States and dealing with large-scale narcotic trade.

3. The petitioner had earlier applied for grant of regular bail before this Court which was dismissed on merits on 15.09.2025. The relevant part of said order reads as under:-

“7. xxx xxx xxx

The trajectory of investigation conducted thus far, coupled with the material that has surfaced on record, indicates that the offence in question does not pertain merely to an isolated instance of possession or recovery of a commercial quantity of contraband. Rather, the facts unearthed point towards the existence of a larger and organized criminal conspiracy involving several individuals who appeared to be acting in concert and operating as a syndicate. The investigative inputs suggest that the network pertains to the procurement and distribution of narcotic substances. This Court cannot be oblivious to the deleterious impact of such organized drug trafficking. The magnitude of conspiracy, the multiplicity of factors involved, systematic use of unlawful use financial conduits, as also the quantity of contraband involved, call for a response marked by utmost judicial strictness.

8. *In the aforesaid premise, the petition stands dismissed.”*

Aggrieved by the aforesaid order passed by this Court, the petitioner has approached the Hon’ble Supreme Court by way of filing the SLP(Crl.) No.16010/2025, wherein the following order was passed:

“We have heard the learned Senior counsel appearing for the petitioner.

We find no reason to interfere with the impugned order passed by the High Court, at this stage.

The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.”

Thereafter, the present petition i.e. the second petition for grant of regular bail has been preferred by the petitioner on 09.04.2026.

4. Learned senior counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and his nomination rests solely on the disclosure statement(s) of co-accused recorded while in police custody, which are inadmissible in evidence and cannot form the basis of arrest or continued incarceration. Learned senior counsel has further iterated that no recovery of any contraband has been effected from the petitioner and there is no independent material linking him to the alleged offence. It has been further contended that the petitioner has no connection whatsoever with the alleged occurrence and he was neither present at the spot nor named in the FIR. According to learned senior counsel, the implication of the petitioner is stated to be an afterthought without any substantive evidence. It has been further contended that even the prosecution witnesses examined during the course of trial have failed to substantiate the allegations against the petitioner. To buttress his arguments, learned senior counsel has placed reliance upon the testimony of the Investigating Officer, who, during cross-examination, has admitted that no incriminating material has been recovered from the petitioner, no independent witness was joined in the investigation *qua* him, and no financial trail or documentary evidence has been collected to establish any alleged *hawala* transactions or nexus with the contraband. It has been further contended that the petitioner is a permanent resident; has deep roots in society and there is no likelihood of his absconding or tampering with prosecution evidence. The petitioner is stated to be in custody since 15.02.2025 and the trial is progressing at a snail's pace with only a few

witnesses having been examined so far and, therefore, the continued incarceration of the petitioner serves no useful purpose. On the strength of these submissions, the grant of regular bail is entreated for.

5. Learned State counsel has vehemently opposed the grant of regular bail to the petitioner on account of the present petition being non-maintainable as it is the second petition for grant of regular bail as also on merits thereof. On merits, learned State counsel has iterated that the petitioner is not entitled to the concession of regular bail as the instant case pertains to recovery of commercial quantity of narcotics which by itself attracts the rigours of Section 37 of the NDPS Act. It has been further contended that there is a reasonable apprehension that, if granted the concession of regular bail, the petitioner may abscond, influence witnesses or indulge in similar criminal activities. Accordingly, a prayer has been made for the dismissal of the petition in hand.

6. I have heard the learned counsel for the rival parties and have gone through the available records of the case.

7. It would be apposite to refer herein to a judgment passed by this Court in ***Rafiq Khan vs. State of Haryana and another: 2024: PHHC:054064***; relevant whereof reads as under:-

9. *The paramount issue, in any plea for grant of regular bail, is the liberty of an individual. Indubitably, within our society and jurisprudence, liberty is a cherished foundational principle and has fundamental ascendancy over all other attributes of social order. Even within the framework of Constitution, this principle is made conspicuous, inter alia, in Article 21 of our Constitution that no person shall be deprived of his personal liberty except according to procedure established by law. The Cr.P.C., 1973 is one such procedural law which permits curtailment of liberty of anti-social and anti-national elements. Yet, liberty of an individual, the accused, must not transgress the rights of another individual, the victim, in terms of right to dignified*

everyday life without any imminent fear or threat. Additionally, the rights of the collective of individuals viz. the State/Society at large, also cannot be neglected. Therefore, while countenancing the facts for considering the bail, the rights of the triad of accused, victim and the State (Society at large) ought to be entailed. Ergo, while considering a bail plea, the Court ought to take into account this core concept(s).

9.1 *An analytical perusal of Cr.P.C. explicates that this statute does not contain any provision relatable to maintainability or otherwise of second/successive bail petitions, including one(s) seeking regular bail. Once there is no statutory prohibition provided for in law, a Court is not logically empowered to import into it such prohibitions, especially in case of codified and legislated law. It is trite law that Courts ought not to read a provision in codified law which has not been specifically provided for by the legislature especially when such reading results into deprivation of rights. The bar contained in Section 362 of Cr.P.C. can, by no stretch of legal imagination, be said to be barring the filing of second/successive regular bail petition.*

9.2 *The Hon'ble Supreme Court in case of **Babu Singh** case (supra) has held that rejection of a bail petition does not, by itself, forbid a Court from considering another one, later in point of time. Similar is the ratio decidendi of the judgment of Hon'ble Supreme Court in **Kalyan Chandra Sarkar** (supra). Ergo, it can be safely inferred that the decision of a Court qua regular bail petition is essentially an interlocutory order and hence the postulation of res judicata does not apply to its realm.*

9.3 *The issue that next craves attention is as to what are the factors/parameters for consideration of second/successive regular bail petition(s).*

9.4. *The concordant legal position is that the essential pre-requisite for consideration of second/successive regular petition is the material/substantial change in circumstances and factors of alike nature. Indubitably, the further period of incarceration suffered by the petitioner-accused after rejection/withdrawal of first/earlier plea for bail, pace of trial, the witnesses turning hostile or not supporting prosecution case and changed medical condition(s) of accused would be pertinent factor(s). It goes without saying that these factors are only illustrative in nature and cannot by any means be said to be exhaustive.*

9.5 *No rigid or universal criterion can possibly be delineated to conclusively govern the exercise of judicial discretion, in determining, as to what would constitute as the above stated substantial change in circumstances. Factual flexibility, one additional*

or different fact, may cause a sea of difference. There is no gainsaying that each case has its own distinct and unique facts and, hence, exercise of such judicial power is best left to the judicial discretion of a Court, in accordance with the settled norms of our jurisprudence.

10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

8. At the outset, it is evident that this is a second petition for grant of regular bail, the earlier one having been dismissed on merits. It is a settled position of law that subsequent bail petition can be entertained only upon demonstration of a substantial change in circumstances, which is

counsel for the petitioner were available to the petitioner at the time when the first petition for regular bail was dismissed. Thereafter, in the present petition, the petitioner has failed to bring forward fresh/substantial change in the circumstances which would indicate that the petitioner is entitled to maintain his second petition for grant of regular bail. For maintaining a second petition for bail, it is *sine-qua-non* to bring forth change in circumstances. This fact assumes more importance when no undue delay in trial has been brought forth. Mere passage of time or filing of challan etc., in the facts of the present case, cannot be treated as a sufficient ground for grant of bail.

9. Indubitably, serious allegations have been levelled against the petitioner. As per the prosecution, the present FIR has been registered on the basis of secret information received by the police on 15.11.2024 pursuant to which a *naka* was laid and co-accused namely Guravtar Singh Tari, Des Raj and Daler Singh were apprehended while travelling in their respective vehicles. From their possession, commercial quantity of poppy husk i.e. 1540 kgs have been recovered. During the course of investigation, the petitioner has been nominated as an accused in the present FIR on the basis of disclosure statement(s) of the co-accused. The instant case involves commercial quantity of contraband and hence the statutory embargo contained in Section 37 of the NDPS Act squarely applies. At this stage, this Court is unable to record satisfaction that there exist reasonable grounds for believing that the petitioner is not *prima facie* involved in the alleged offence or that he is not likely to commit any offence of similar nature while on bail. The plea(s) of the petitioner that he was not named in the FIR; no recovery has been effected from him as also his implication is based solely

on disclosure statements of co-accused cannot, at this stage, absolve the petitioner of the serious allegations contained in the FIR. Furthermore, it is well settled that at the stage of consideration of plea for regular bail, particularly in cases involving commercial quantity under the NDPS Act, this Court is not required to conduct a detailed examination of the admissibility or reliability of evidence on record. The material collected during investigation *prima facie* indicates that the alleged recovery of contraband is not an isolated act but forms part of a larger criminal conspiracy involving multiple individuals operating in a coordinated manner. The specific role attributed to the petitioner pertains to financial facilitation and coordination which cannot be said to be insignificant at this stage.

10. The contention that the petitioner was nominated at a belated stage also does not help the case of the petitioner at this stage. Investigation in cases involving organized syndicates often unfold gradually and with passage of time the involvement of different individuals often comes to light as the investigation progresses. In order to grant bail, the Court must be satisfied that there are reasonable grounds to believe that the accused is not guilty of the offence and that he is not likely to commit any offence while on bail. From the material available on record, the allegations against the petitioner point toward his active participation in a serious and well-organized criminal network. The arguments raised by the learned counsel for the petitioner regarding inadmissibility of disclosure statements and lack of recovery are matters which are to be ratiocinated/adjudicated upon during the course of trial and the same cannot be conclusively determined at this stage.

11. As regards the plea of prolonged incarceration, nothing has been brought forward before this Court to form an opinion that the statutory embargo contained in Section 37 of the NDPS Act would not be applicable to the instant case. It would be apposite to refer herein to the judgment passed by the Hon'ble Supreme Court in ***SLP (Crl.)No.5020-2026*** titled as ***State of Punjab vs. Sukhwinder Singh @ Gora***, wherein it has been categorically held that in cases involving recovery of commercial quantity of contraband, the twin conditions as envisaged under Section 37 of the NDPS Act are required to be mandatorily satisfied before the concession of bail is to be granted. Mere prolonged incarceration by itself cannot be a ground for grant of bail. The relevant whereof reads thus:

“9. It is well-settled that in matters involving recovery of contraband in commercial quantity, the twin conditions under Section 37(1)(b)(ii) of the NDPS Act are mandatory and entail no relaxation merely on the ground that the accused has undergone prolonged incarceration during the pendency of trial. The provision casts upon the Court a duty to record, before enlarging an accused on bail, its satisfaction on two cumulative conditions, first, that there exist reasonable grounds for believing that the accused is not guilty of the offence charged; and second, that he is not likely to commit any offence while on bail. The recording of such satisfaction is not a mere formality but a mandatory pre-condition, the non-observance of which vitiates the grant of bail. This Court, in Kashif (supra), has held in no uncertain terms that the recording of satisfaction on the twin conditions under Section 37 is mandatory and not merely directory, and that an order granting bail without such recorded satisfaction stands vitiated and cannot be sustained. The same view stands reiterated in Lalrintluanga Sailo (supra).

10. The impugned order, on its own showing, does not record the satisfaction mandated under Section 37(1)(b)(ii) of the NDPS Act. Far from recording such satisfaction, the High Court has gone on to observe that 'the rigours of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial.' Such an approach is plainly contrary to the settled law laid down by this Court and deserves to be set aside on this ground alone. The right to speedy trial, rooted in Article 21 of the Constitution, is undoubtedly a precious Constitutional right. That said, in

matters governed by a special enactment such as the NDPS Act, particularly where the recovery is of commercial quantity, the said right under Article 21 must be exercised within the framework of Section 37 and cannot be pressed into service solely on the ground of delay to override it. The constitutional right under Article 21 and the special provision of law under Section 37, NDPS Act are to be read harmoniously and not placed in opposition to each other. The High Court, by failing to record its satisfaction on the twin conditions under Section 37, has in this Court’s view, committed an error.”

12. Considering the gravity of allegations, the statutory bar contained under Section 37 of the NDPS Act, the dismissal of the earlier bail petition on merits and the absence of any substantial change in circumstances, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail in the factual *milieu* of the case in hand. The petition is, thus, devoid of merits and is hereby dismissed.

13. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

14. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

May 04, 2026
Ajay

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