

2026.PHHC.064962



CRM-M-22282-2026 and
CRM-M-22380-2026

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

226(2 cases)

Date of decision: 28.04.2026

CRM-M-22282-2026

ZULFKAR ALI ALIAS ZULFI

Vs. STATE OF PUNJAB

CRM-M-22380-2026

AMAN SINGLA

Vs. STATE OF PUNJAB

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Honey Passi, Advocate,
for the petitioner in CRM-M-22282-2026.

Mr. Arjun Veer Sharma, Advocate,
for the petitioner in CRM-M-22380-2026.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioners in case FIR No.72 dated 23.05.2020, registered at Police Station Mehal Kalan, District Barnala, under Sections 21, 22, 25 and 29 NDPS Act, and Sections 465, 467, 468, 471 and 120-B IPC (Sections 336, 338, 339, 340(2)/61 BNS, 2023.

2. Learned counsel submit that petitioner-Zulfkhar Ali has been in custody for 5 years and about 9 months, while petitioner-Aman Singla for 5 years and about 10 months. They allege false implication. Their names surfaced based on disclosure statement of co-accused Balwinder Singh. Further that, on their own disclosure statements, 12000 intoxicating tablets were allegedly recovered from the former, while

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10,500 tablets from the latter near the gear box of the car, which belonged to co-accused Bittu Ram, who is in custody, wherein he was sitting on the conductor seat, thus, it is debatable he can be said to be in conscious possession thereof. Co-accused, namely Ravinder Singh @ Binda and Deepak Arora have since been granted bail by this Court on 24.04.2026, after being in custody of 5 years, 9 months and 19 days and 5 years and 5 years, 7 months and 27 days, besides 5 others. No independent witness has been joined at the time of recovery. The mandatory provision of Section 50 has not been fully complied with. Charges have been framed on 15.10.2022, however, 129 PWs stands examined and there are still 19 more to go. Petitioner-Aman Singla is not involved in any other case, while petitioner-Zulfkar Ali alias Zulfy is involved in 1 more case wherein he is on anticipatory bail by learned Special Court. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificates dated 27.04.2026, filed by the learned State counsel are taken on record. As per the same, petitioner-Aman Singla is behind bars for 5 years, 9 months and 18 days while petitioner-Zulfkar Ali alias Zulfy for 5 years, 8 months and 21 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of intoxicating tablets was recovered from the petitioners. However, he is unable to controvert the submissions with regard to stage of the case; petitioner-Aman Singla being not involved in

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any other case; petitioner-Zulfi Ali alias Zulfi being on bail in another case and the co-accused having been enlarged on bail.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal SLP** (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year and 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

8. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted the bail to the petitioner

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therein after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

9. Considering the facts and circumstances of the case and the submissions made on behalf of the petitioners, in particular they being in custody for the last 5 years, 8 months and 21 days and 5 years, 9 months and 18 days, respectively; petitioner-Aman Singla not involved in any other case; petitioner-Zulfi Ali alias Zulfi being on bail in another case; co-accused are on bail; charges stand framed on 15.10.2022, but 19 PWs are yet to be examined; the trial is likely to take a considerable time; further incarceration of the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India and as observed by Hon'ble the Supreme Court in **Rabi Prakash vs. State of Odisha**, SLP Crl No.4169-2023, decided on 13.07.2023, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act, thus the present petitions are allowed.

10. The petitioners are ordered to be released on regular bail on their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

11. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

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12. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

13. Photocopy of this order be placed on the connected file(s)..

28.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No