



CRM-M-29398-2026

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215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29398-2026
Date of decision : 27.05.2026

Amanpreet Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Dinesh Trehan, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.187 dated 29.09.2025, under Sections 21(c)/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

2. Succinctly the facts of the case are that the Police party while on patrolling on 29.09.2025, near Ajnala Mandi Gobindgarh, when a bullet motorcycle of black colour was seen coming. On suspicion, the same was apprehended by the police party and on asking, he disclosed his name to be Amanpreet Singh (petitioner herein). He was suspected to be carrying some contraband and thus, search was conducted. On conducting the search, 350 grams of heroin was recovered from the tool box of the bullet which was attached near the battery box. He failed to produce any license regarding possession of the same and thus, the FIR was registered and he was arrested on spot. The investigation commenced. Samples taken were sent to the FSL. On receipt of FSL report, challan was presented, charges were framed and on framing of charges, trial commenced. The



petitioner approached the Learned Judge, Special Court, Fatehgarh Sahib praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court, Fatehgarh Sahib vide order dated 28.08.2025. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-65156-2025 but the same was disposed of vide order dated 26.11.2025. Hence, the petitioner is before this Court by way of filing of present second petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the recovery has been effected from the tool box of the motorcycle and thus, the conscious possession is also not proved. He submits that there is blatant violation of provisions of Section 50 of NDPS Act in conducting the search. He submits that the alleged recovery is of 350 grams of heroin, whereas above 250 grams falls under the category of commercial quantity. He submits that though the petitioner is involved in other 03 other cases, however, he is on bail in those cases. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the alleged recovery of 350 grams of heroin falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 13 prosecution witnesses, only 03 witnesses remains to be examined.



He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery in the present case has been effected from a public place i.e. from the tool box of the motorcycle. Violation of provisions of Section 50 of NDPS Act, has been vehemently contended. It has also been contended that conscious possession is not proved. As per custody certificate, the petitioner has suffered incarceration of 01 year, 07 months and 25 days as on 26.05.2026. It further reflects that the petitioner is involved in 03 more cases. As submitted before this Court, out of total 13 prosecution witnesses, 03 witnesses remains to be examined.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx

21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

27.05.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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