

2026:PHHC:088901



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

208

**CRM-M No.30205 of 2026
Date of decision: 01.07.2026**

Narain Singh @ Roop @ Kala

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Inder Preet Singh Kohli, Advocate and
Mr. Sidharth Maini, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.276 dated 23.11.2019 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Sultanpur Lodhi, District Kapurthala. The first petition as filed by him bearing CRM-M-9729-2020 had been disposed of whereas the

2026:PHHC:088901



second petition bearing CRM-M-46651-2025 had been dismissed as withdrawn.

2. As per the allegations, on 23.11.2019, the petitioner was apprehended by police party on the basis of suspicion and 260 grams of heroin was recovered from his conscious possession. He was formally arrested. He moved an application for grant of regular bail which was disposed of by this Court vide order dated 13.03.2020 and he had been extended benefit of interim bail till receiving of FSL report. The petitioner thereafter did not appear before the learned trial Court even after receipt of FSL report. Consequently, his bail was cancelled. The proceedings under Section 82(2) of Cr.P.C. were initiated against him and he was declared a proclaimed offender on 30.04.2025. He was arrested on 26.05.2025 and is in custody since then. The second application for regular bail as filed by him had been withdrawn as on 19.12.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery is planted upon which is marginally above the commercial quantity. The trial will take considerable time to conclude as as none out of 11 prosecution witnesses has been examined so far. His continued detention which is already for a considerable period, will not serve any useful purpose. No other case is pending against him. It is, therefore, argued that he deserves to be

2026:PHHC:088901



released on bail.

4. Notice of motion.

5. Ms. Sakshi Bakshi, AAG, Punjab has advance notice of the petition. While placing on record the custody certificate of the petitioner, it is argued by her that keeping in view the act and conduct of the petitioner and the gravity of the allegations as levelled against him, he does not deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioner is in custody since 26.05.2025. The recovery allegedly effected from him is marginally above the commercial quantity. No prosecution witness has been examined so far and, therefore, there are no chances of conclusion of trial in near future. It is well settled proposition of law that prolonged incarceration militates against the most precious fundamental right of an accused guaranteed under Article 21 of the Constitution of India and the constitutional principles must override the statutory embargo contained under Section 37 of NDPS Act as on account of delay in conclusion of trial, the right of grant of bail cannot be said to be fettered under Section 37 of NDPS Act. In this regard, reliance in this regard can be placed upon the observations made by Hon'ble Apex Court in *Mohd. Muslim @ Hussain v. State (NCT of Delhi)*, 2023 SCC OnLine SC 352; *Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023* decided on

2026:PHHC:088901



14.09.2023 and *Rabi Prakash v. State of Odisha*, 2023 SCC Online SC 110.

8. In view of the above discussion, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

9. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

**(MANISHA BATRA)
JUDGE**

01.07.2026
manju

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No