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**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.37629 of 2025

Date of Decision: 23.01.2026

Jagdish Singh @ Kaka**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Abhinav Gupta, Advocate and
Mr. Jatinder Kumar Kansal, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.222, dated 20.10.2023, under Sections 18-b, 25, 27, 31, 31-a & 29 of NDPS Act, registered at Police Station Sardulgarh, District Mansa.

2. Succinctly the facts of the case are that the police party was on patrolling on 20.10.2023 and laid the *naaka* at main road Ratia, Sardulgarh for checking the suspicious vehicles. In the meantime, a Creta car bearing registration No.PB-61-D-5996 was seen coming from the side of village Khaira Kalan. The same was signalled to stop. On seeing the police, driver of the car got perplexed and tried to reverse the same, thereafter, he opened the door of the car and tried to ran away from there.



On suspicion, he was apprehended by the police party. On asking, he disclosed his name to be Vikram Singh Meena. He was suspected to be carrying some contraband in the car and thus, search of the car was conducted. On conducting the search, a transparent plastic box was recovered from the car, in which one black colour plastic bag was found. On opening the black coloured plastic bag, 12 Kgs Opium was recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented. During the investigation, complicity of the petitioner surfaced as he was the purchaser of the contraband, thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 11.11.2024. The petitioner approached the Court of learned Judge, Special Court, Mansa, praying for the grant of bail. However after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Mansa, declined the bail application filed by the petitioner vide order dated 20.05.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner was named in the FIR nor any recovery has been effected from him. However he has been implicated in the present case only on the basis of disclosure



statement of co-accused, namely, Vikram Singh Meena as he was the purchaser of the contraband. He has submitted that the petitioner was already in custody since 11.11.2020 in other case bearing FIR No.173, dated 11.10.2020, under Sections 302, 506, 148, 149, 120-B of IPC and Sections 25, 27 of Arms Act, registered at Police Station Bhikhiwind, District Tarn Taran and he was arrested in the present case through production warrants dated 13.06.2024. He has further submitted that the investigation qua the petitioner stands completed and challan was presented before the learned trial Court on 24.02.2025. He has further submitted that no other case has been registered against the petitioner except the aforementioned case bearing FIR No.173, dated 11.10.2020. He has submitted that the petitioner is behind bars since the date of his arrest, however there is no material progress in the trial. To buttress his arguments, learned counsel for the petitioner has relied upon the judgments passed by Hon'ble the Supreme Court in Criminal Appeal No.668 of 2020, '**Amit Singh @ Moni vs. Himachal Pradesh**', Criminal Appeal No.827 of 2021, '**Mukarram Hussain vs State of Rajasthan and another**' and by this Court in CRM-M-10343-2020, '**Ajay Kumar @ Nannu vs. State of Punjab**', decided on 31.03.2021 and in '**Ankush Kumar @ Sonu vs. State of Punjab**', 2018(4) RCR (Criminal) 84. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has



submitted that complicity of the petitioner has been duly established during the investigation as he was the purchaser of the contraband. He has submitted that the recovery effected in the present case from the co-accused, namely, Vikram Singh Meena, on due compliance of provisions of NDPS Act. He has submitted that as per the FSL report, the contraband weighing 12 Kgs of Opium was recovered, which is a commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that the investigation is complete, the challan stands presented, however the trial is at threshold. He has further submitted that the petitioner is a habitual offender, who is involved in 07 other cases. He has submitted that the petitioner was arrested in the present case through production warrants dated 13.06.2024 and his custody in the present case was started. He has submitted that thereafter, the petitioner was convicted in a case bearing FIR No.317, dated 03.10.2019, under Sections 15/61/85 of NDPS Act, registered at Police Station Talwandi Sabo, and thus, his custody in the present case was halted and started in that case. He has thus submitted that no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been named in the present FIR on the basis of disclosure statement of co-accused as he was the purchaser of the contraband. The contraband weighing 12 Kgs of Opium



was recovered in the present case from the co-accused, which falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has suffered incarceration in the present case of 02 month and 30 days as on 22.01.2026. It further reflects that the petitioner is involved in as many as 07 cases. In one of the cases, he has been convicted and he is behind bars since then in that case. Petitioner was arrested in the present case through production warrants on 13.06.2024 and his custody in the present case has been halted because, the petitioner was convicted in some other case bearing FIR No.317, dated 03.10.2019, under Sections 15/61/85 of NDPS Act, registered at Police Station Talwandi Sabo and his custody in that case has been started. Investigation is complete, challan has been presented, however the trial is at threshold.

7. Thus, this Court finds that the judgments relied upon by learned counsel for the petitioner are distinguishable on the facts and circumstances of the case.

8. Keeping in view the above said position, this Court does not find any ground to release the petitioner on bail at this stage. Hence, the present petition stands dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.01.2026

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

(RAJESH BHARDWAJ)
JUDGE