

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

2026:PHHC:053955



CRM-M-41659-2025 (O&M).
Date of decision: 08.04.2026.

MANGAL SINGH

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Parminder Singh Sekhon, Sr. Advocate, with
Mr. L.S. Sekhon, Advocate, and
Ms. Nitika Sharma Sekhon, Advocate,
for the petitioner(s).

Ms. Chhavi Sharma, AAG, Haryana assisted by
ASI Raj Kumar, P.S. Sadar, Tohana.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in
case bearing FIR No.373 dated 23.11.2024, under Section(s) 21(c) of the
Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 109(1)
of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar
Tohana, District Fatehabad.

Learned Senior counsel appearing on behalf of the petitioner(s) contends that, as per the prosecution case, a police party was on patrolling duty. While passing through Jamalpur Shekhan and upon reaching near Bus Stand of village Aankawali Bus Stand, observed a white colour Ertiga car bearing registration No.HR-27-H-9695 parked on the roadside in front of a liquor shop. It is alleged that a young man stepped out of the said vehicle and moved towards the rear side of the car and upon finding his behaviour to be suspicious, the police party attempted to apprehend him upon which he started shouting that 'the police are catching me' and hit the police party from behind with the car. He thereafter reversed the car and rammed the same into the officer standing behind him before the vehicle was eventually stopped by the police party. On search of the vehicle 272 grams of contraband alleged to be heroin was recovered from the dashboard and on the basis thereof the FIR in the present case came to be registered for recovery of 272 grams of heroin. It is submitted that when the seized sample was sent to the FSL for examination, the report received stated that the recovered contraband was a mixture of Tramadol and Dextromethorphan. He contends that under said circumstances, the petitioner was granted interim bail vide order dated 28.01.2026. The said order reads thus: -

"1. Present petition has been filed u/s 483 of BNSS, 2023, for grant of bail to the petitioner during the pendency of trial in case FIR No.373, dated 23.11.2024, registered u/s 21(c) of NDPS Act, 1985 and 109(1) of BNS, 2023, lodged at P.S. Sadar Tohana, District Fatehabad.

2. On the very outset, learned State counsel has filed the photocopy of the FSL report dated 20.12.2024 in Court today. Same are taken on record. Office to tag the same at appropriate places in the case file.

3. As per case of the prosecution, police team while patrolling

noticed that one Ertiga car bearing registration No. HR27-H-9695, was lying parked in suspicious condition alongside the road in front of liquor shop, was intercepted. On noticing of the police party, accused – Gurdas Singh, who was standing outside, loudly alarmed to Mangal Singh (petitioner herein) sitting on driving seat. Immediately, petitioner reverse the car. Intentionally rammed in the police officers standing behind the car. However, on being apprehended, from the dash board of the car, 272 grams of heroin was recovered.

4. *Without arguing much on the factual aspects of the case, learned Senior counsel for the petitioner points out that as per the FSL report dated 20th December 2024, parcel sent to FSL is not reported to be heroin, rather as per the result of examination, it has been mentioned that “Tramadol and Dextromethorphan were detected in the sample.”*

5. *In such a situation, Hon’ble Apex Court in SLP (Crl.) No. 13987/2025, in its order dated 05.01.2026 has noticed as under:-*

Leave granted.

The appellant, Sentu Seikh, is before this Court aggrieved by the judgment and final order dated 26-06-2025 passed by the High Court at Calcutta, denying him regular bail in connection with NDPS Case No. 33/2024 arising out of PS Case/First Information Report (FIR) No. 08/2024 dated 29.03.2024 registered with Police Station - Azimganj GRPS, Howrah, West Bengal, for the offences punishable under Sections 21(C), 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1989.

The appellant, Sentu Seikh, was allegedly found in possession of 514 grams of what appeared to be Heroin. This is as per the FIR as well as the chargesheet. However, it is now stated that the alleged seized substance was not Heroin, but a combination of Morphine, Codeine and Thebaine.

The appellant, Sentu Seikh, is in Jail since 09.04.2024.

The question arises as to whether Section 37 of the

NDPS Act would have application to the case on hand, given the fact that the prosecution has not separated the three ingredients allegedly found with the appellant, so as to quantify them.

We, therefore, find no grounds to continue with the incarceration of the appellant, Sentu Seikh, at this stage.

The appeal is accordingly allowed, setting aside the impugned judgment/order passed by the High Court.

The appellant, Sentu Seikh, shall be released on bail in relation to the aforestated NDPS Case/PS Case/FIR, on such appropriate terms and conditions as may be fixed by the Special Court.

The appellant shall cooperate during the course of the trial and shall not take unnecessary adjournments.

We clarify that we have not made any observations/comments on the merits of the case and any observation made in this order is meant only for the limited purpose of grant of bail.

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

6. *Learned State counsel is unable to controvert the plea addressed by the learned Senior counsel for the petitioner. Therefore, proceeding is adjourned to 26.05.2026 to enable the learned State counsel to file its status report by giving detailed explanation therein.*

7. *Meanwhile, petitioner is directed to be released on interim bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.”*

Learned Senior counsel contends that notwithstanding a specific response having been asked for from the respondent-State, they have not given

any details as to what percentage of Dextromethorphan was present in the seized contraband. It is submitted that even though tramadol beyond 50 grams would fall in the definition of commercial quantity, however, in the absence of giving details with respect to Dextromethorphan, the actual quantity of Tramadol cannot be ascertained. He contends that Dextromethorphan is not a psychotropic substance under the Narcotic Drugs and Psychotropic Substances Act, 1985. He further submits that the petitioner has clean antecedents and is in custody since 23.11.2024, however, the trial is progressing at a sluggish pace and only 02 out of 22 witnesses cited by the prosecution have been examined so far.

State counsel, however, does not dispute the contentions noticed above i.e. that out of total 22 witnesses cited by the prosecution, only two witnesses have been examined so far and that the petitioner is in custody since 23.11.2024.

Having heard the counsel for the respective parties and examining the documents at length and also taking into consideration the arguable issues involved in the present case regarding the actual quantity of contraband recovered, the period of custody already undergone by the petitioner, his clean antecedents as well as the stage of trial wherein only two witnesses out of 22 witnesses cited by the prosecution have been examined so far, the order dated 28.01.2026 granting interim bail to the petitioner is hereby made absolute.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case

on the basis of available material.

The present petition stands allowed in above terms.

April 08, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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