



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

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CRM-M-36478-2025 (O&M)
Date of decision: 12.02.2026

Mehtab Singh alias Matab

....Petitioner

Versus

State of Punjab

...Respondent

CRM-M-41452-2025 (O&M)

Satnam Singh alias Satta

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ankur Jain, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

CRM-49681-2025

For the reasons mentioned in the application, same is allowed.

Annexure P-3 is taken on record, subject to all just exceptions.

CRM-M-36478-2025 (O&M) & CRM-M-41452-2025 (O&M)

1. These cases are disposed of by this common order as they arise out of the same FIR.
2. Prayer in the present petitions filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioners in case FIR No.30 dated 18.03.2024, registered under Sections 21(c)/29/61/85 of NDPS Act & 10, 11, 12 of Air Craft Act on at Police Station Khemkaran, District Tarn Taran.
3. Learned counsel contends that the petitioners have been in custody



for 1 year and more than 2 months. No recovery has been effected from them. As per the allegations, the contraband was allegedly recovered from an open land, which is not stated to be in their ownership/possession, therefore, there is no evidence to connect them with the alleged recovery. He relies on the panchayatnama, Annexure P-3, wherein it has been stated that the Darshan Singh is paralytic, unable to walk and not in a position to make statement and has since even passed away. Charges have been framed on 13.05.2025, however, out of 14 prosecution witnesses, only 2 have been examined. Petitioner-Mehtab Singh is convicted in 1 case under NDPS Act, involving non-commercial quantity and the sentence was for 11 days while, no other case is pending under NDPS Act against petitioner-Satnam Singh. 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.

4. The custody certificates dated 11.02.2026, filed by the learned State counsel is taken on record. As per the same, the petitioners are behind bars for 1 year, 2 months and 4 days respectively.

5. Learned State counsel opposes the bail on the ground that there are serious allegations have been leveled against the petitioners as per the secret information and the recovery of contraband has been effected from them, as per the statement of Darshan. However, he is unable to controvert the submissions with regard to stage of the case; petitioner-Mehtab Singh is convicted for 11 days and Satnam Singh being not involved in any other case under NDPS Act.

6. Heard.

7. 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.”

8. 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.

9. 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 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.

10. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 1 year, 2 months and 4 days; petitioner-Satnam Singh not involved in other cases under NDPS Act; charges have been framed on 13.05.2025 and 12 more prosecution witnesses still remain to be examined; the trial is likely to take a considerable time and further



incarceration of the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petitions are allowed.

11. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse her liberty.
- (vii) The petitioners shall furnish their address and mobile number by way of affidavit/s to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

12. 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.

13. 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.

14. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

12.02.2026

M.Kamra

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