

2026:PHHC:021116



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

**CRM-M-42302-2025
Date of Decision: 11.02.2026**

Satnam Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Raj Kumar Gupta, Advocate and
Mr. Rajiv Rathore, Advocate, for the petitioner.

Mr. Gurdeep Singh, AAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, co-accused in case FIR No.34 dated 11.06.2019 registered against him, for commission of offences punishable u/s 15/25/29 of the NDPS Act, at Police Station Ghagga, District Patiala, has prayed for grant of bail.
2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

“On 11.06.2019, based on chance recovery, police officials of police station Ghagga, District Patiala, seized 70 Kg. ‘Poppy husk’ (marginally more than commercial quantity) from the truck bearing registration No.PB-10-CU-9755, which was found parked on the right side of the Main Road, Ghagga towards Patra, ahead of Gurudwara Gian Sagar. Two persons namely Sucha Singh and Ramesh Kumar @ Pappu were found sitting beside the truck. They could not render any explanation for keeping such a heavy quantity of poppy-husk in the truck. After completing the requisite statutory formalities both the above mentioned persons were arrested and during interrogation name of the petitioner, who is registered owner of the truck cropped up.

Petitioner was arrested on 27.03.2025 and has been in custody since then.

3. Petitioner-accused moved an application for grant of bail before the Ld. Judge, Special Court, Patiala. The same was dismissed vide order dated 08.05.2025. Aggrieved of which, present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case only on the basis of the disclosure statement of co-accused Satnam Singh and Ramesh Kumar. He was not present at the site. He was not aware that his vehicle would be misused by two accused for transporting the contraband. The said disclosure statement in the absence of any recovery is not admissible evidence. It is further the submission of learned counsel that co-accused Sucha Singh and Ramesh Kumar @ Pappu, who were arrested at the site have since been granted concession of bail by a coordinate Bench of this Court vide orders dated 19.01.2022 and 19.04.2022 passed in CRM-M-7360-2021 and CRM-M-14682-2022, respectively, thus similar treatment be meted out to present petitioner.

The next leg of submission raised by learned counsel for the petitioner is that investigations are complete, for challan has been filed but out of 17 cited prosecution witnesses only 05 have been examined so far, thus, possibility of completion of trial in the near future is quite remote. It is further the contention of learned counsel that petitioner is involved in another case of like nature but that by itself cannot be a ground to deny the concession of bail particularly when the petitioner was not arrested at the site. In the light of submissions advanced hereinabove, learned counsel prays that petitioner, who has been in custody since 27.03.2025, deserves a lenient view to be taken in his favour by extending him the concession of bail, for his further incarceration would not serve any useful purpose. Prayer for allowing the petition has been

made.

5. Per contra, learned State counsel while referring to the status report dated 29.09.2025 filed by way of affidavit of Mr. Inderpal Chohan, PPS, Deputy Superintendent of Police, Sub Division Patran, Distt. Patiala has opposed the request for grant of bail on the ground that petitioner is the main kingpin of the entire incident. Co-accused Sucha Singh and Ramesh Kumar @ Pappu, who were arrested the site, were working on the instructions of the present petitioner, who is registered owner of the truck, which was apprehended and a huge quantity of contraband was recovered. Thus, plea taken by the petitioner that he was unaware, is nothing but a last minute effort on his part to wriggle out of embarrassing position in which he is placed.

It is also the contention of the learned counsel that mandatory provision of NDPS Act were complied with after which recovery of 70 Kg. poppy husk (commercial quantity) was effected from truck of which the present petitioner is registered owner. In view thereof, rigors of Section 37 of NDPS Act are attracted which bar the grant of bail, unless the twin conditions prescribed in the provision are satisfied. That apart learned State counsel contends that in view of the past questionable antecedents of the petitioner, who is involved in another case of like nature, no case for grant of bail is made out, for if granted the concession, the likelihood of him indulging in similar offence and fleeing from process of justice cannot be ruled out. Drug menace being on the rise, strict view needs to be taken. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and have gone through the documents on record.

7. Before proceeding to discuss the rival contentions, it would be appropriate to refer to judgment of Hon'ble Supreme Court wherein case titled

as ***Shambu Lal Gurjar Vs. State of Rajasthan, SLP Criminal 16671 of 2024***, decided on 23.04.2024, it was held as under:-

“The allegations against the petitioner is that there is a recovery of 60 kgs poppy husk/straw (contraband article) from him and prior to this incident, he has three criminal antecedents relating to the NDPS Act registered in the year 2019, 2021 and 2022. The third bail application of the petitioner was dismissed by the High Court. He has already undergone about 1 year and 8 months in jail.

Heard learned counsel for the petitioner and the respondent State.

Considering the fact that the contraband article is a poppy straw although he has three criminal antecedents but since he has been in jail for the last 1 year and 8 months, we are of the opinion that a case of bail is made out for the petitioner.”

In ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586***, Hon’ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

Further in ***Chitta Bishwas @ Shubash Vs. State of West Bengal Law Finder Doc Id# 1938935***, considering the duration of custody and progress in trial, Hon’ble Supreme Court granted bail to an accused/appellant who was found in possession of 46 bottles of PHENSYDRYL Cough Syrup containing codeine mixture above commercial quantity.

In ***Md Aliul Islam @ Aliul Islam @ Aliul Vs. State of West Bengal Law Finder Doc Id# 2734487***, Hon’ble Supreme Court granted bail to an accused, involved in a case under Section 21(c)/27A of NDPS, considering custody period and similarity with other accused, whose bail had been allowed.

Similarly in ***Devrata Mondal Vs. State of West Bengal Law Doc Finder Id # 2734476***, on the ground of prolonged custody and parity with

other accused, co-accused Davrata, who was allegedly caught keeping in his possession 290 bottles of PHENSYDRYL Cough Syrup (Commercial quantity) was granted the concession of bail by the Hon'ble Supreme Court.

In *Santarul Islam Vs. State of West Bengal*, Law Finder Doc Id# **2735329**, Hon'ble Supreme Court granted bail to the petitioner who was also caught keeping in his illegal possession of PHENSYDRYL Cough Syrup (on the ground of prolonged custody and nature of contraband).

The evidentiary value of the testimonies and other evidence will be seen by the learned trial Court during the course of the trial in accordance with established principles of law. However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. Mere presence of past criminal antecedents of the petitioner cannot be the sole consideration to decline the bail.

8. Having gone through the aforesaid judgments, it is clear that Constitutional liberty must override the statutory embargo. Guided solely by the said principle and in the light of the facts that have been brought on record, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "Bail is a general rule and incarceration is an exception" as held by Hon'ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131**.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner 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.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

9. Accordingly, the present petition is allowed and it is made 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 petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

11.02.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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