

2026:PHHC:031961



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CRM M-57548-2024
Date of Decision : 26.02.2026

RaviPetitioner(s)
Versus
State of PunjabRespondent(s)

CORAM : HON'BLE MR.JUSTICE N.S.SHEKHAWAT

Present:- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT (Oral):

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.390 dated 21.12.2023 registered under Sections 15, 29, 61 and 85 of the NDPS Act at Police Station Derabassi, District SAS Nagar.
2. Learned counsel for the petitioner contends that in the present case, the police had not complied with the mandatory provisions of the NDPS Act. Even, no independent witness was joined by the police, despite the recovery was effected from the petitioner from a public place. Learned counsel for the petitioner further submits that even while sending the samples, IO had

completely overlooked the standing order 1/88 issued by the Narcotic Control Bureau. The petitioner was arrested in the case on 21st of December 2023 and is in custody since then. He further submits that even though one more case under the provisions of the NDPS Act was registered against him on 27th November 2020, however, he has been granted the concession of bail in the said case.

3. Learned counsel for the petitioner has relied upon the law laid down by the Hon'ble Supreme Court in the matter of ***SLP No. 6690 of 2022, titled as "Dheeraj Kumar Shukla Vs. State of Uttar Pradesh"*** in which the Hon'ble Supreme has held as follows:-

"2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured 'Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of

criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.

4. For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court.”

4. I have heard learned counsel for the parties and perused the record.

5. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

6. However, it is clarified that in case the petitioner gets involved in any other criminal activity during the pendency of the trial before the trial Court, the present order shall be recalled automatically and the State of Punjab shall be at liberty to move an application in this regard.

(N.S.SHEKHAWAT)
JUDGE

26.02.2026
amit rana

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