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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-42612-2025 (O&M)

Pippal Singh @ Pipal Singh ...Petitioner

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	03.02.2026
2	The date when the judgment is pronounced	05.02.2026
3	The date when the judgment is uploaded on the website	05.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Shailender Kadian, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in
case arising out of FIR No. 105 dated 07.08.2024, registered under Sections
15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985
(for short 'NDPS Act') at Police Station Kot Ise Khan, District Moga.
2. The aforementioned FIR was registered on the allegations that on
07.08.2024, a secret information was received to the effect that the petitioner,
who was undergoing sentence in a jail in connection with a case registered

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against him under the provisions of NDPS Act, along with his family members, was still involved in smuggling poppy husk at large scale and was having relations with big smugglers of other States. It was also informed that huge quantity of poppy husk was being brought by his family members through trucks. The same would be transferred into small vehicles and was to be supplied to in different villages of the State of Punjab with the assistance of their friends Manjit Singh @ Mani and Sarabjit Singh @ Sabi. The secret information was also to the effect that on the previous night also, poppy husk had been brought to Kishanpura from village Daulewala in a Bolero pick up vehicle and it could be recovered. Believing the information to be true, a raiding party was immediately formed. *Ruqa* was sent to the Police Station concerned for registration of FIR. The raiding party reached at the informed place and spotted a youth while sitting in a Bolero pick up vehicle. However, on noticing the police officials, he managed to flee. On checking the said vehicle, 30 plastic bags containing 600 kgs. of poppy husk were found kept in the same, which were taken into custody. Presence of the petitioner was secured by way of issuance of production warrants. He was interrogated and suffered disclosure statement admitting his involvement in smuggling of contraband from Madhya Pradesh and delivering the same further to other persons. On the basis of his disclosure statement, accused Manjit Singh and Sarabjit Singh were also nominated as such. They were also lodged in jail in connection with some other case and were formally arrested in this case by way of issuance of productions warrants. The person, who had fled from the spot, was identified as Gurmail Singh. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been

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falsely implicated in this case. The implication of the petitioner is solely based on the secret information received by the Investigating Officer as on the date of recovery, he was lodged in jail in connection with some other case. No recovery has been effected from him. There is nothing on record to connect the petitioner with the subject crime. Even the said vehicle was found at a neutral place, which did not belong to him in any way. He was nominated and arrested in this case 26 days after the alleged recovery. He has been made a scapegoat only because he was previously involved in some other cases. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time. Pendency of other cases against him cannot be made a ground for denying him concession of bail. He is in custody since 31.08.2024. His continued detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail as Section 37 of the NDPS Act would be attracted in this case. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar

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to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The allegations against the petitioner are that while undergoing sentence in jail in another NDPS case, he continued to operate a large scale poppy husk smuggling network through his family members and associates. It is alleged that contraband was procured from Madhya Pradesh, transported in trucks, shifted to smaller vehicles, and supplied across various villages in Punjab. However, at the time of alleged recovery, he was admittedly in custody in connection with some other case. No direct recovery is shown to have been effected from him. His implication in this case is solely based on the secret information received by the Investigating Officer. The vehicle from which the contraband was recovered does not belong to the petitioner and was found at a neutral place. While the veracity of the evidence collected against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. The petitioner was arrested on 31.08.2024. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was

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connected with the co-accused in any manner at the relevant time. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time. Pendency of other cases against the petitioner cannot be considered to be a ground for denying him benefit of bail in given circumstances. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

05.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No