

2026:PHHC:040195



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

110

CRM-M-42995-2025 (O&M)
Date of decision : 16.03.2026

Ahmad Ali @ Makhan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. B. S. Bhalla, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

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 FIR No. 79 dated 19.04.2025, registered under Sections 21, 22, 29 and 27-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 111(2) and 223 of BNS, 2023 at Police Station City Moga, District Moga.

2. Brief facts of the case relevant for the disposal of the present petition are that on 19.04.2025, on the basis of a secret information, co-accused Vicky Arora, while coming in a car bearing registration number PB-10-AL-0515, was apprehended by a police party and recovery of 24000 intoxicant tablets containing Tramadol Hydrochloride and drug money of Rs.52,500/- was effected from his conscious possession. Since he could not produce any valid license or permit to keep in his possession the recovered drugs, he was formally arrested at the spot. During the course of investigation, recovery of

2026:PHHC:040195



several other intoxicant drugs was effected at his instance from a godown. Upon interrogation, he nominated the petitioner, Deepa Kumar Goyal and Gurtaran Singh as his accomplices. However, Gurtaran Singh was found to be innocent. The petitioner was arrested on 23.04.2025 by way of issuance of production warrants as he was already in custody in connection with some other case. On conducting search of the shop of the petitioner, recovery of certain intoxicant drugs, quantity of which fell under non-commercial category, was effected, for which, he could not produce any valid license or permit. Investigation now stands completed and challan has been filed.

3. It is argued by learned counsel for the petitioner that he was neither found at the spot nor was named in the FIR. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which cannot be considered to be admissible in evidence. The alleged recovery effected from him does not fall under commercial quantity. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as no prosecution witness has been examined so far out of total 43 witnesses. His involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. The petitioner is in custody since long. No useful purpose would be served by keeping him in custody anymore. It is also argued that father of the petitioner is severely ill due to his heart disease. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled

2026:PHHC:040195



against the petitioner as well as his criminal antecedents and the fact that rigors of Section 37 of the NDPS Act would be attracted in this case, he is not entitled to get benefit of bail. 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 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 case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, he along with the present petitioner was indulged in sale/purchase of intoxicant drugs and had stored the same along with the present petitioner and other accused. A subsequent recovery of some intoxicant drugs is also stated to have been effected from the petitioner but the same admittedly falls under non-

2026:PHHC:040195



commercial quantity. The petitioner was arrested on 23.04.2025. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time as no prosecution witness has been examined so far out of total 43 witnesses. His involvement in other cases 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.

8. 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.

16.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No