



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

228

CRM-M-44822-2025

Date of decision: 10.02.2026

Partap Bhukar @ Partap Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. S.S. Sarwara, Advocate for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No. 253 dated 24.07.2021 registered against him, for commission of offences punishable u/s 15C/61/85 of Narcotic Drugs and Psychotropic Substances, Act 1985 at Police Station Ellenabad, District Sirsa, has prayed for grant of bail.

2. Relevant facts as emerging from the status report be noticed hereinbelow:-

Recovery of 52 Kgs Doda Post (Commercial Quantity) was effected from the conscious possession of 2 persons namely Panna Lal @ Bablu and Gurpeet Singh @ Jodha Singh. After the statutory formalities were complied with, FIR was lodged and both were arrested. During the disclosure statements, the name of the present petitioner cropped up as being the supplier of the contraband, for consideration of Rs.1.50 lakhs. Inventory of the recovered commodity was also got certified from the Area Magistrate. The samples were separated were sent to RFSL, Hisar. Thus, the role attributed to the petitioner is that he is the supplier of the contraband recovered from the possession of Panna Lal @ Bablu and Gurpeet Singh @ Jodha Singh.

3. Petitioner/accused, who was arrested on 07.07.2024, moved an



application for grant of bail before the learned Additional Sessions Judge, Sirsa. The same was dismissed vide order dated 02.06.2025. Aggrieved of which, the 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 disclosure statements of co-accused Panna Lal @ Bablu and Gurpeet Singh @ Jodha Singh, who were allegedly caught red handed while keeping in their illegal possession 52 Kgs of Doda Post (Commercial Quantity). These disclosure statements in absence of any recovery been effected from petitioner are not admissible in evidence, being confessional in nature made before the police authorities, in view of Section 25 of the Indian Evidence Act. Further, the falsity of the case set up by the prosecution is apparent from the fact that though the alleged recovery of contraband was effected from busy public place but no efforts were made to join any independent person as a witness to the case proceedings, neither any statutory formalities were complied with.

Learned counsel fairly concedes that petitioner is involved in seven more criminal cases (details of which have been mentioned in para 6 of the present petition), though he (P) is on bail in most of them. Learned counsel further submits that co-accused – Gurpeet Singh @ Jodha Singh and Panna Lal @ Bablu, who were apprehended at spot, have since been granted the concession of bail by this Court, vide orders dated 24.01.2022 and 05.01.2022, respectively (Annexures P-2 and P-3), it has thus been prayed to similar treatment be meted out to present petitioner.

Learned counsel contends that investigations in the present case are complete, for challan has been filed, but charges are yet to be framed, thus, likelihood of completion of trial in the near future is quite remote. In



the situation as above, further incarceration of petitioner, would not serve any useful purpose and would also be violative of his Fundamental rights guaranteed under Article 21 of the Constitution of India.

Towards the end, learned counsel contends that petitioner, who has been in custody since 07.07.2024 and who was not apprehended at the site, rather was roped in on the basis of disclosure statements, deserves concession of bail when co-accused, who were caught red handed at the site, have been extended the concession of bail by this Court; past questionable antecedents cannot be the sole basis for refusing the relief sought by him (for rigors of Section 27 NDPS Act would not be applicable in this case). Prayer for allowing the petition has been made.

5. Status report dated 30.01.2026 by way of affidavit of Mr. Faisal Khan, IPS, Assistant Superintendent of Police, Sirsa, has been placed on record. Learned State counsel has opposed the request for grant of bail on the ground that petitioner has been specifically named by co-accused, as the person who had supplied the contraband and contraband recovered from co-accused is 'Commercial Quantity'. In view of the quantity of the contraband recovered from the co-accused arrested at the site, as per learned State counsel the 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.

Learned State counsel further submits that even the past antecedents of petitioner are far from satisfactory, as he is also involved in several other cases of like nature (the details of which are mentioned in para No.12 of the status report), thus, it cannot be presumed that he is not involved in this offence or that he is not likely to commit the offence again, if extended the concession of bail. 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 certain judgments 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.”

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).

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.

It is, thus, clear that criminal antecedents by themselves, is not a legal ground to deny the rigors of Section 37 of the NDPS Act, particularly in cases where the accused-petitioners are in custody for a long period.

Having gone through the aforesaid judgments, it is clear that Constitutional liberty must override the statutory embargo. Guided solely by the said principle and considering that the possibility of completion of trial in near future is quite remote, petitioner who has been in custody since 07.07.2024 deserves a lenient view to be taken in his favour, for the likelihood of completion of trial is quite remote as charges have not been framed till date. The Court is, thus, of the opinion that in the facts and circumstances as mentioned above, his (P) further incarceration in custody



would not serve any purpose. Resultantly, in view of discussion made herein above, 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.*

8. 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.

(AARADHNA SAWHNEY)
JUDGE

10.02.2026

Hemant

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