



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.48273 of 2025 (O&M)

Date of Decision: 05.03.2026

Jaila Singh

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Kushager Goyal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

This petition, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, is the first petition filed by the petitioner for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.50 dated 25.01.2025, under Sections 15-C [Section 27(a) added later on] of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act', Police Station Rania, District Sirsa.

2. The above mentioned FIR came into being at the instance of 'SI Tarsem Singh'. It was reported by the above named police officer that on 25.01.2025 when he was leading a team of police officials, on the basis of suspicious conduct a biker was intercepted. As per above named police officer upon checking it was found that on the motorcycle the abovesaid motorcycle rider was carrying three plastic sacks. According to above said police officer when the contents of the above mentioned sacks were examined it was found



that in the above mentioned sacks he was carrying 56.550 Kgs of poppy husk.

3. As per prosecution on recovery of above mentioned contraband, requisite formalities with regard to seizure and sealing of contraband, slapping of FIR and formal arrest of the petitioner were completed and further investigation taken-up.

4. Notice of motion.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. The status report has already been filed by the learned State Counsel in the form of affidavit duly sworn by ASI Sukhdev Singh. The same, too, be taken on record.

6. Heard.

7. It has been contended on behalf of petitioner that petitioner is innocent who has been falsely implicated in the present case, and that the necessary instructions with regard to search of the person of the petitioner, seizure and sealing of contraband and dispatch of contraband to Forensic Science Laboratory have not been complied with.

8. In addition to above, the learned counsel for the petitioner has also contended that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 1 year and 1 month, and that nothing has been left to be recovered from the possession of petitioner. It has been further contended that the detention of petitioner in judicial lock up is not likely to serve any purpose. On the above mentioned grounds, the learned counsel for the petitioner has urged for the benefit of bail for the petitioner. In support of his arguments the learned counsel for the petitioner has referred to



the observations made by this Court in the case of 'Ranjeet Kumar Yadav Vs. State of Haryana', CRM-M-25255-2025, decided on 14.05.2025 and in the case of 'Gursewak Singh @ Sebi Vs. State of Punjab', CRM-M-34803-2021, decided on 21.04.2022.

9. The above mentioned arguments have been controverted by the learned State counsel. It has been contented by learned State counsel that recovery of contraband from the possession of petitioner comes within the ambit of commercial quantity, and therefore, without satisfying the rigors prescribed under Section-37 of NDPS Act, the petitioner should not be accorded the benefit of bail. It has also been contended by learned State counsel that earlier also the petitioner has been prosecuted for an offence under NDPS Act, which renders him ineligible for the benefit of bail.

10. The record has been perused carefully.

11. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for arriving at a decision in the present petition:-

- i) that the quantity of contraband recovered from the possession of petitioner comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions enshrined under Section 37 of NDPS Act the benefit of bail cannot be accorded to the petitioner;
- ii) that there is nothing on record to show that the twin conditions enshrined under Section-37 of NDPS Act stand complied with in any manner, whatsoever, in the present case;



- iii) that the principle laid down in the case of Ranjeet Kumar Yadav and Gursewak Singh (supra) are not applicable to the present case, *firstly* because in the above mentioned cases the recovery of contraband was marginally above the lower threshold meant for commercial quantity, which is not the situation in the case in hand, and *secondly*, because in the above mentioned cases the petitioners were not having criminal antecedents, whereas in the present case the petitioner is facing another prosecution under NDPS Act;
- iv) that the total custody period of the petitioner is little more than 1 year and one month only, which cannot be treated to be a period of long incarceration inviting a relaxation in the twin conditions enshrined under Section-37 of NDPS Act.

12. Taking into consideration the cumulative effect of all the above mentioned factors, it is hereby observed that the present petition is devoid of merit and deserve dismissal. Hence the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

05.03.2026
Manoj Bhutani

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