



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

234

CRM-M-51142-2025  
Date of Decision : 09.02.2026

RAGHUVVEER SINGH @ TITLI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. J.S. Sandhu, Advocate  
for the petitioner.

Mr. Hardeep Hans, AAG, Punjab.

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AARADHNA SAWHNEY, J. (ORAL)

1. This is the second petition for grant of bail under Section 483 BNSS, filed by petitioner, an accused in case bearing FIR No.72 dated 02.09.2023, registered against him at Police Station Balianwali, District Bathinda, for the commission of offences punishable u/s 22 of Narcotic Drugs and Psychotropic Substances, Act 1985. The earlier petition for bail filed before this Court was disposed of on 10.01.2024.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

***Balraj Singh @ Baja**, s/o Darshan Singh, an agriculturist by profession, set the criminal law in motion by filing a complainant pointing therein that the villagers have created a Narcotics Preventive Committee at village level of which he is one of the*



*members. On 02.09.2023, he along with some other members were on patrolling duty to check the drug menace, when they saw **Raghuveer Singh @ Titli (present petitioner)** coming from opposite direction, who on seeing them got perplexed, threw the bag which he was holding and tried to run away, but due to their sharp reflexes, was apprehended. Thus, the allegation against petitioner is that he was caught red handed while keeping in his illegal possession of 1,000 intoxicants tablets containing Tramadol Hydrochloride, weighing about 334 grams, which falls within the 'Commercial Quantity'. Police authorities were intimidated and after the statutory formalities were complied with, the FIR was lodged.*

3. Petitioner/accused, who was arrested on 02.09.2023, moved an application for grant of bail before the learned Judge, Special Court, Bathinda. The same was dismissed vide order dated 02.07.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel submits that petitioner has been falsely implicated in the present case on account of village rivalry. In fact, nothing was recovered from his conscious possession. Statutory procedural requirements were not complied with. Further the falsity of the case set up by the prosecution is apparent from the fact that despite the alleged recovery of contraband was effected from public place but no efforts were made by IO to join any independent person as a 'witness' to the case proceedings. That apart, unexplained delay of sending the samples to FSL also raises the serious doubt on the story put-forth by the prosecution.



Learned counsel next contends that though petitioner has remained involved in 09 other criminal cases, some of which pertain to violation of NDPS Act also, but he stands acquitted in all such cases and that past antecedents cannot by itself be a ground to deny the relief sought for.

Continuing further learned counsel submits that challan in the present case was filed on 16.01.2024, but till date out of 13 cited prosecution witnesses only 1 has been examined, thus clearly indicating that the possibility of completion of trial in the near future is quite remote. Hence, when viewed in totality, further incarceration of petitioner, would not serve any useful purpose as the same 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 for more than 02 years, deserves a lenient view to be taken in his favour by extending him the concession of bail. Prayer for allowing the petition has been made.

5. *Per contra*, learned State counsel while referring to the Status report dated 27.11.2025 by way of affidavit of Mr. Kuldeep Singh, PPS, Deputy Superintendent of Police, Sub-Division Maur, District Bathinda, has opposed the request for grant of bail on the ground that contraband recovered from the petitioner is of '*Commercial Quantity*'. In view of the quantity of the contraband recovered from the petitioner 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 next submits that in the wake of questionable past antecedents of the petitioner, no case for grant of bail is made out, for if



extended the concession of bail, the likelihood of him committing the same offence is quite high, as also is the possibility of him fleeing from the process of justice by not appearing in the Court. 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 judgment 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 for more than two years, deserves a lenient view to be taken in his favour, for the likelihood of completion of trial is quite remote as out of 13 prosecution witnesses, only 01 has



been examined till date (since the disposal of the first petition, the trial is proceeding at a snail's pace). 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 bonds with two local sureties 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

09.02.2026  
Nisha Yadav

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| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |