



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M No.51915 of 2025 (O&M)
Date of Decision: 12.02.2026

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Parminder Singh Sekhon, Sr. Advocate with
Ms. Shefali, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is third petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, a case registered for the commission of offence punishable under Sections 15 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act', vide FIR No.177 dated 29.12.2024 in Police Station Moonak District Sangrur.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'ASI Surender' when a police party headed by him received a tip-off from a reliable source and, while acting upon the above mentioned secret information, checked a truck parked in the Grain Market, Moonak. According to prosecution on checking of above mentioned truck recovery of 60 Kg of poppy husk was effected.

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 petitioner were completed and further investigation undertaken.

4. Notice of motion.

5. Since advance notice has already been served, Mr. Rohit Bansal, Sr. DAG, Punjab, appears on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

6. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has opted to oppose orally the present petition.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case, merely on the ground that he was owner of the truck from where the contraband was recovered. According to learned counsel for the petitioner as per case set-out by the prosecution itself, the driver of the truck was 'Mithu Singh' and thus, for the recovery of contraband, loaded in the truck, only the driver can be held responsible and not the petitioner.

9. It has also been contended by learned counsel for the petitioner that a large quantity of goods was loaded in the truck, i.e. numerous bags of cement, and that amongst the abovementioned goods there was a bag containing contraband and therefore, it cannot be expected from the petitioner that he would be aware of each and every articles loaded in his truck. As per learned counsel for the petitioner, the petitioner cannot be treated to be in conscious possession of the contraband.



10. In addition to above, it has also been contended by learned counsel for the petitioner that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than one year and one month, and that nothing is left to be recovered from the possession of petitioner, and therefore, he is entitled for the benefit of bail.

11. The learned State Counsel has controverted the abovementioned arguments. It has been contented by the learned State counsel that former bail petition filed by the petition was dismissed as withdrawn on 08.04.2025, and that there is no significant/material change in circumstance from the date of dismissal of former bail petition, and therefore, this petition is not maintainable. It has also been contended by learned State Counsel that the quantity of contraband recovered in the present case comes within the ambit of 'commercial quantity', and therefore, unless the twin conditions enshrined under Section-37 of NDPS Act are complied with, the petitioner should not be released on bail.

12. The record has been perused carefully.

13. A perusal of record shows that in the present case *prima facie* there is no denial of the fact that the petitioner was owner of the truck from where the recovery of contraband had taken place. Thus, as per settled law the petitioner is supposed to be in conscious possession of the contraband loaded in the truck. Since the quantity of recovered contraband comes within the ambit of commercial quantity, as per settled principles of law unless the twin conditions enshrined under Section-37 of NDPS Act are complied with, the petitioner cannot be given the benefit of bail. In the present case it is also relevant to mention here that the total custody period of the petitioner is 1 year, 1 month and 9 days and therefore, this inference cannot be drawn that there is violation of right of speedy



trial of the petitioner. Thus it is hereby held that any situation for relaxing the twin conditions, as per Section-37 of NDPS Act, does not exist in the present petition.

14. Taking into consideration the cumulative effect of all the above mentioned factors, once any of the twin conditions enshrined under Section-37 of NDPS Act does not stand complied with in the present case, it is hereby held that the petitioner is not entitled for the benefit of bail and the present petition being devoid of merits, deserve dismissal. Hence the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

12.02.2026
Manoj Bhutani

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