

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:011836



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CRM-M-53212-2025 (O&M)
Date of decision:28.01.2026

Vaneet Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashok Kumar Kondal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. In this second successive petition as filed by the petitioner, he is making a prayer for grant of regular bail in case arising out of FIR No.48, dated 20.03.2024, registered under Sections 21(c), 25 and 29 of the NDPS Act, at Police Station Special Task Force, District SAS Nagar, Mohali.

2. As per the allegations, on 20.03.2024, a secret information was received to the effect that the present petitioner along with co-accused Deepak Singh and Akashdeep Singh was involved in the business of smuggling of heroin at large level and could be apprehended with huge quantity of the same as he was present at a tourist place on his motorcycle. Believing the secret information to be true, a raiding party was formed which reached at the informed place and apprehended two

youths, who were riding on a motorbike bearing registration No.PB-02-EQ-0612. On asking, they disclosed their names as Vaneet Kumar i.e. the present petitioner and Deepak Singh. Another motorbiker of vehicle bearing registration No.PB-14-D-1821 had tried to flee from the spot but was apprehended. On asking, he disclosed his name as Akashdeep Singh. The recovered contraband was taken into custody. Petitioner and the co-accused were formally arrested. On interrogation, the petitioner suffered disclosure statement on the basis of which accused Gurwinder Singh @ Happy was nominated as an additional accused and had been subsequently apprehended. Recovery of 150 grams of heroin was also effected from the petitioner. Investigation now stands concluded. His previous petition was dismissed as withdrawn by this Court vide order dated 04.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody for a period of more than 01 year and 10 months. Co-accused, Akashdeep Singh and Gurwinder Singh @ Happy have been extended the benefit of bail. On parity, he too deserves to be extended the same benefit. The trial will take considerable time to conclude since only 06 out of 15 prosecution witnesses have been examined so far. He is on bail in other cases as registered against him. It is, therefore, urged that the petitioner deserves to be extended the benefit of bail.

4. Status report and custody certificate have been filed. Learned State counsel has vehemently argued that there are serious allegations against the petitioner. Commercial quantity of the contraband was

recovered from the conscious possession of the petitioner and co-accused. Rigors of Section 37 of the NDPS Act are attracted in this case. He is a habitual offender. There are chances of his committing similar offences or absconding, if extended benefit of bail. This being the successive bail petition and has no substantive change in the circumstances, is not even maintainable. It is, thus, stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. So far as the maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed. However, the petitioner is in continuous custody since 23.03.2024. Only 06 out of 15 prosecution witnesses have been examined so far, meaning thereby that there are no chances of conclusion of the trial in near future. It is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed upon the observations made by Hon'ble Apex Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC***

352, wherein it was held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section 37 of the NDPS Act, given the imperative of Section 436-A of Cr.P.C. which is applicable to offence under the Act. It was also observed that jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon *Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 and Rabi Prakash v. State of Odisha, 2023 Live Law (SC) 533*, wherein the Hon'ble Supreme Court had extended benefit of bail to the accused who had been incarcerated for a long period by observing that prolonged incarceration militated against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

7. Reliance can also be placed upon *Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025*, which is a recently pronounced verdict of Hon'ble Supreme Court observing that rigors of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion of trial. In the abovementioned case the Hon'ble Supreme Court of India held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance, was entitled for bail in view of her incarceration for a period of 19 months.

8. Similarly in another case i.e. in the case of ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*** prolonged incarceration and inordinate delay engaged the attention of the Hon'ble Supreme Court of India, which considered the correct approach towards bail, with respect to several enactments, including Section 37 NDPS Act. The court expressed the opinion that Section 436A (which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods) of the Criminal Procedure Code, 1973 would apply.

9. In the case of ***Ismail Khan @ Pathan vs. State of Rajasthan Criminal Appeal No.4911 of 2025*** with regard to recovery of commercial quantity of narcotic substance the Hon'ble Supreme Court of India accorded the benefit of bail to the accused in view of prolonged incarceration for a period of 02 years and 08 months of the accused.

10. The similar benefit has been extended in another appeal i.e. ***SLP No.15699-2025 titled as Ebrahim @ Ibrahim SK vs. The State of West Bengal*** and in the case of ***Pamesh Arora vs. UT Chandigarh Criminal Appeal No.4872 of 2025***.

11. In view of the above discussion, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the extent of two sureties in the like amount each, to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on

each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

12. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

13. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

28.01.2026

harjeet

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

(MANISHA BATRA)
JUDGE