



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(225)

CRM-M-54165-2025(O&M)
DATE OF DECISION: 21.01.2026

Makhan Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Amarinder Kaur, Advocate, for the petitioner.
Mr. Subhash Godara, Addl. AG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.66 dated 03.07.2020, under Section 22,25 (lateron added Section 29) of NDPS Act, 1985 registered at Police Station Rureke Kalan, District Barnala.

2. Learned counsel for the petitioner contended that the petitioner is falsely involved in this case as he has nothing to do with the present case; he was involved on the basis of disclosure statement of one person namely Sunny; he is not named by the co-accused that the contraband is to be supplied to him; the co-accused from whose possession the contraband was recovered already granted bail by Co-ordinate Bench of this Court vide order dated 20.12.2023, passed in CRM-M-63157-2023 and placed on record a copy of said order; that the present petitioner is in custody for the last more than one year and trial will taken sufficient time to conclude, therefore, prayer for grant of regular bail to the petitioner is made.

3. In response, Mr. Subhash Godara, Addl. AG, Punjab and opposed the contention raised by learned counsel for the petitioner by



submitting that the present petitioner is involved in four other cases of similar nature and a huge quantity of contraband was recovered from the co-accused which is to be supplied/procured by the present petitioner and one of the present accused is relative of the present petitioner.

4. Status Report by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Tapa, District Barnala and Custody certificate of petitioner filed by learned State counsel in Court today are taken on record.

5. Heard.

6. Reply perused. Para nos.5 and 6 of the Status Report are reproduced as under:-

“5. Role of the Petitioner: *That the role attributed to the present petitioner is that of a conspirator under Section 29 of the NDPS Act. The investigation indicates that the petitioner was part of the supply chain and was involved in facilitating procurement and distribution of psychotropic substances. Though no physical recovery was effected from the petitioner, his role is established through the conspiracy angle, which does not require physical possession of contraband. The petitioner acted in concert with the main accused and shared common intention and knowledge regarding the illegal trade of intoxicant tablets. His involvement was prior to the recovery and contributed to the commission of the offence. That during interrogation of the co accused Humesh Kumar and Baljit Singh suffered disclosure statement to the effect that they used to buy intoxicating tablets from Munesh Kumar r/o Loni Pushta at 1000 to 1200 Rs per box. That they were supposed to deliver the present consignment to present petitioner Makhan Singh, who is relative of co accused Baljit Singh, at higher prices. Thus, the acts attributed to the petitioner were deliberate and knowing, aimed at furthering the object of the conspiracy. The material on record prima facie establishes his complicity in the offence.*



6. Evidence against the Petitioner: *That the evidence against the petitioner consists of material collected during investigation, including disclosures of co-accused, chain of events establishing conspiracy, and corroborative circumstances. The prosecution case does not rest on a single piece of evidence but on cumulative material indicating involvement of the petitioner. The recovery of commercial quantity of psychotropic substances, the disclosures connecting the petitioner to the supply network, and the continuation of criminal conspiracy collectively constitute prima facie evidence. At the stage of bail, meticulous examination of evidence is neither required nor permissible. The evidence on record sufficiently establishes reasonable grounds for believing that the petitioner is involved in the offence and that the accusations are well-founded. That during investigation one Sunny Singh s/o Raju Singh r/o Handiaya got recorded his statement with 10 to the effect of conspiracy of co-accused Baljit Singh and present petitioner Makhan Singh in illicit traffic of drugs from states outside Punjab and further selling the same in retail in Punjab. He further disclosed that co-accused Baljit Singh used to procure consignments of narcotic tablets and used to deliver to present petitioner for sale in retail.”*

7. Allegations against the present petitioner is of general nature that he was a conspirator and accused in the chain of supply of contraband; the contraband was recovered from the co-accused and as per the prosecution, the said contraband is to be supplied to the present petitioner; nothing is recovered from the possession of the petitioner; even the disclosure statement of the co-accused not named the present petitioner; co-accused from whose possession contraband was recovered already granted bail by the Co-ordinate Bench of this Court vide order dated 20.12.2023, passed in CRM-M-63157-2023; present petitioner is in custody since



purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

21.01.2026
mamta

(SUBHAS MEHLA)
JUDGE

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