



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

228

CRM-M-54143-2025 (O&M)
Date of Decision:- 03.02.2026

Amarjit Singh @ Amani ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.
Mr. Surinderjit Singh Nahar, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.113 dated 27.08.2024, registered under Sections 21-C of NDPS Act at Police Station Amloh, District Fatehgarh Sahib, Punjab.
2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case, as nothing has been recovered from him. The allegations pertain to the pillion rider, who is stated to have thrown a polythene bag allegedly containing 300 grams of 'heroin', which is marginally above the commercial quantity. It is further contended that the petitioner has been in custody for the last about 01 year, 05 months, and 03 days; he has clean antecedents and is not involved in any other case except the present one. It is further contended that only 01 PW out of cited 14 PWs has been examined till date. Hence, prayed for concession of bail to the petitioner as trial will take sufficient time to conclude.



3. Custody certificate of petitioner filed by learned State counsel in Court, is taken on record. As per custody certificate, the petitioner has been behind bars since 30.08.2024 i.e. for the last about 01 year, 05 months and 03 days. He fairly admitted that petitioner is not involved in any other case except the present one; and that out of cited 14 PWs, only 1 PW has been examined; next date fixed before the trial Court is 23.02.2026. Learned State counsel vehemently opposed the bail petition of the petitioner on the ground that commercial quantity of contraband was recovered i.e. 300 grams of 'heroin', and as such bar under Section 37 of NDPS Act applies.

4. Heard.

5. Keeping in view the facts and circumstances of the case, particularly that nothing has been recovered from the possession of the present petitioner and that, as per the prosecution case, the polythene bag allegedly containing 300 grams of 'heroin', was thrown by the pillion rider upon seeing the police party; further considering that the petitioner has been in custody for the last about 01 year, 05 months, and 03 days; the trial is likely to take considerable time to conclude as only 01 PW out of cited 14 PWs has been examined; there is no apprehension that after release, petitioner will tamper with the evidence as the witnesses are police officials, and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment and it is a 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.



6. The Supreme Court in **V. Senthil Balaji v. The Deputy Director, 2024 INSC 739**, held that higher thresholds for granting bail in stringent penal statutes like the PMLA, UAPA, and NDPS Act cannot be a tool to keep an accused incarcerated without trial:

25.such statutes contain provisions laying down higher threshold for the grant of bail. The expeditious disposal of the trial is also warranted considering the higher threshold set for the grant of bail. Hence, the requirement of expeditious disposal of cases must be read into these statutes....

*26. There are a series of decisions of this Court starting from the decision in the case of **K.A. Najeer**, which hold that such stringent provisions for the grant of bail do not take away the power of Constitutional Courts to grant bail on the grounds of violation of Part III of the Constitution of India. We have already referred to paragraph 17 of the said decision, which lays down that the rigours of such provisions will melt down where there is no likelihood of trial being completed in a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. One of the reasons is that if, because of such provisions, incarceration of an undertrial accused is continued for an unreasonably long time, the provisions may be exposed to the vice of being violative of Article [21](#) of the Constitution of India.*

7. Hence, balancing the petitioner's fundamental right to life and personal liberty with the stringent provisions of N.D.P.S. Act, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Accordingly, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of his bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned with such conditions as it may deem fit to secure his presence during trial.



CRM-M-54143-2025 (O&M) (4)

8. However, it is made clear that after release, if the petitioner shall involve in any other case under NDPS Act, respondent-State is at liberty to move an application for cancellation of his bail.

03.02.2026

Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No