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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision: 06.03.2026

MANGAL SINGH @ BABA MANGA**... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Parneet Singh Pandher, Assistant A.G.Punjab

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in FIR No. 301 dated 26.11.2024 under Section 21 of NDPS Act, 1985 registered at Police Station, Gharinda, Amritsar.

2. The case of the prosecution is that a secret information was received that the petitioner used to deal in heroin and going on a Splendor Motor Cycle towards Attari side and on the basis of said information, the petitioner was apprehended and from his possession 01 Kg of Heroin was recovered.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is argued that there is violation of Section 42 of the NDPS Act as the secret information was never reduced into writing as mandated under law. In support of his submissions, learned counsel has placed reliance upon the judgments of the Hon'ble Supreme Court in *Mohal Lal vs. State of Punjab*, Criminal Appeal No. 1880 of 2011, and



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Varinder Kumar vs. State of Himachal Pradesh, Criminal Appeal Nos. 2450–2451 of 2010. Learned counsel further submits that there is also violation of Section 50 of the NDPS Act. He submits that the petitioner is in custody since 26.11.2024. It is further argued that the possibility of fabrication in respect of the memos prepared during the alleged recovery cannot be ruled out. In support of his contention, learned counsel has placed reliance upon the judgment in *Didar Singh @ Dara vs. State of Punjab*, 2010(3) RCR (Criminal).

4. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner for the grant of regular bail on the ground that the petitioner has criminal antecedents, as he is involved in one more case under NDPS Act. He has filed the custody certificate in Court today and the same is taken on record. As per the custody certificate, the petitioner is in custody for the last 01 year 03 months 04 days.

5. I have heard the submissions made by the parties and gone through the record.

6. After hearing the rival contentions of learned counsel for the parties and keeping in view the facts and circumstances of the case, this Court finds that the aspect regarding non-compliance of Section 42 of the NDPS Act, as raised by learned counsel for the petitioner, has not been specifically dealt with in the reply filed on behalf of the State. Therefore, at this stage, there is no specific denial of said contention; the petitioner is in custody for the last 01 year, 03 months and 04 days and the trial is likely to take a considerable long time to conclude, this Court is of the view that further detention of the petitioner would not serve any useful purpose.



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7. 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 bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.
9. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

06.03.2026
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(H.S.GREWAL)
JUDGE

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