

2026.PHHC.024830



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59840-2025

Manik

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	13.02.2026
2	The date when the judgment is pronounced	18.02.2026
3	The date when the judgment is uploaded on the website	
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. G.K. Mann, Senior Advocate with
Ms. Chandrika, Advocate,
Ms. Shruti, Advocate and
Ms. Simrat, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the third petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 115 dated 10.05.2024 registered under Section 21 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short ‘NDPS Act’) (Section 27-A of NDPS Act

2026.PHHC.024830



added later on) at Police Station Gharinda, District Amritsar Rural. His previous two petitions had been dismissed as withdrawn vide orders dated 14.01.2025 and 04.07.2025.

2. As per the allegations, on 10.05.2024, the accused Akashbir and Banty were apprehended and 510 grams of heroin was recovered from their conscious possession. The accused Akashbir Singh suffered disclosure statement to the effect that he used to get the contraband supplied through drone from Pakistan and the drug proceeds thereof were sent through hawala. He also disclosed details of a cell phone number which was used by him for the purpose of having conversation with a Pakistani smuggler known with the name of Malik and that he used to receive drug money through hawala transaction by making contact on a particular cell number which was disclosed as 988873701. On his disclosure statement, Varinder Singh @ Kalu was nominated as such. On obtaining tower location of above mentioned cell phone number, the petitioner was found to be a holder of the same. He was arrested on 14.05.2024. On conducting his search, one cell phone of above mentioned number and currency note of Rs. 10 denominations was recovered from him. He was interrogated and suffered disclosure statement to the effect that he dealt in business of new/old currency notes and brought new notes from Delhi. He had come into contact with some persons who were running a shop near Gurdwara Sis Ganj, New Delhi and had been asked to do hawala transaction in lieu of commission. He had been doing that and 7-8 times money had been received by him after getting token number of the currency

2026.PHHC.024830



notes from appointed places and that he had delivered cash amount of more than Rs. 1 crore to the occupants of shop No. 64 in New Delhi. He further disclosed that on that particular day also, he had received a call that he would be given hawala money and also disclosed that Rs. 19 lakhs were previously received by him during the course of those transactions. In pursuance of his disclosure statement, he got recovered the said money from his residential house. The co-accused Vicky was also nominated by him. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He is in custody since 14.05.2024. No contraband had been recovered from him. There are no chances of conclusion of trial in near future as not even a single witness out of 12 prosecution witnesses has been examined so far. He does not have any criminal antecedents. No material has been collected so far to show that he was in contact with the co-accused or had been doing hawala transactions. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

2026.PHHC.024830



5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have been involved in handling drug money through *hawala*. He was nominated on the basis of disclosure statement of co-accused. Though the allegations *prima facie* point out towards his complicity with the drug paddlers and in the *hawala* transactions, however, he has been in custody since 14.05.2024. There are no chances of conclusion of trial in near future as not even a single prosecution witness has been examined so far. It has been well settled now that even a person accused under the provisions of NDPS Act is not precluded from claiming bail invoking parameters of Article 21 of Constitution of India. Prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of Constitution of India. Drug money amounting to Rs. 19,00,000/- is alleged to have been recovered from the petitioner. It is, however, a matter of evidence as to whether the alleged recovery was of drug money or not? Taking into consideration the period of incarceration of the petitioner, the fact that trial will take considerable time to conclude and the attendant facts and circumstances peculiar to this case, this Court is of the considered opinion that the petitioner has made out a case for release on bail at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove

2026.PHHC.024830



shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |