

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:024480



214

CRM-M-61790-2024 (O&M)
Date of decision: 17.02.2026

Jagir Singh @ Lada

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.34, dated 20.02.2024, registered under Sections 21-C and 29 of the NDPS Act, at Police Station Special Task Force, District STF Wing, SAS Nagar.

2. The aforementioned FIR was registered on the allegations that on 20.02.2024, a secret information was received to the effect that the petitioner and co-accused Bakhshish Singh were involved in the business of sale of heroin and on that very day also, they were standing on the Jhabal road, Satnam Nagar and waiting for some customers for the purpose of supply of contraband and that they could be apprehended with huge quantity of the same, if raid was conducted. Believing the secret information to be

true, a raiding party was immediately formed, which reached at the informed place. On seeing the police officials, the petitioner and co-accused tried to flee but were apprehended. On conducting their search, 260 grams of heroin was recovered from the conscious possession of the petitioner whereas 270 grams of the same contraband was recovered from the conscious possession of co-accused Bakhshish Singh. The recovered contraband was taken into custody by the police officials. Petitioner and co-accused were formally arrested. Investigation now stands completed.

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 has clean antecedents. He is in custody for a period of about 02 years. The trial will take considerable time to conclude as only 05 out of 18 prosecution witnesses have been examined so far. His further incarceration would not serve any useful purpose. Co-accused Bakhshish Singh has already been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, thus, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel, while referring to the status report, has vehemently argued that there are serious and specific allegations against the petitioner. Commercial quantity of contraband was recovered from him. Rigors of Section 37 of the NDPS Act are attracted in this case. There are chances of his committing similar offences if extended benefit of bail. It is, therefore, stressed that he does not deserve to be extended the benefit of bail.

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

counsel for the parties.

6. The petitioner along with co-accused is alleged to have been found in conscious possession of commercial quantity of contraband. The allegations make out a *prima facie* case for commission of the aforementioned offences against him. However, he is in custody since 23.02.2024 i.e. for a period of about 01 year, 11 months and 24 days. There are no chances of conclusion of trial in near future as only 05 out of 19 prosecution witnesses have been examined so far. 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 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, 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 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. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for a period of about 02 years, the trial is not likely to be concluded in near future; the continued detention of the petitioner is not likely to serve any fruitful purpose; there is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond.

12. 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 Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

13. 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.

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

17.02.2026

harjeet

(MANISHA BATRA)
JUDGE

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