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

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CRM-M-60418-2025 (O&M)
Date of decision : 20.02.2026

Mahabir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No.34 dated 17.03.2025 registered under Sections 21-C and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 10, 11 and 12 of Air Craft Act, 1934, at Police Station Khalra, District Tarn Taran.
2. Brief facts of the case relevant for the disposal of the present petition are that on 17.03.2025, co-accused Satinderjit Singh and Yuvrajdeep Singh @ Rajdeep were apprehended by a police party and recovery of 557 grams of heroin was effected from their conscious possession, without any permit or license. They suffered disclosure statements admitting their involvement in the subject crime and also named Manmohan Singh @ Mohan Bath and Akashdeep Singh as their associates. They were nominated in this case as accused. Accused Akashdeep Singh was arrested on 22.03.2025 and on his disclosure, one Satnam Singh was nominated and arrested on the same day i.e. 22.03.2025. Another disclosure

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statement of accused Akashdeep Singh was recorded on 23.03.2025, whereby the present petitioner and one Sarabjit Singh were also nominated as accused in this case. During investigation, it surfaced that the co-accused were indulged in cross border smuggling of heroin through drones on the directions of the present petitioner. Since the petitioner was already lodged in jail in connection with some other case, he was taken into custody in this case as well by way of issuance of production warrants. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. No recovery has been effected from him. There is nothing on record to show that the petitioner was involved in the subject crime in any manner with the co-accused. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as even charges have not yet been framed. Pendency of one more case of similar nature cannot be considered to be a reason for denying him bail in this case. He is in custody since long. Co-accused Akashdeep Singh and Satnam Singh have already been granted concession of bail. On parity, he too deserves to be given the same benefit. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail as Section 37 of the

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NDPS Act would be attracted in this case. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, who himself was nominated in this case on the basis of the disclosure statement made by another co-accused. The allegations against the petitioner are that it was on his direction that the co-accused were carrying out cross border smuggling of heroin through drones. However, it is significant to note that the petitioner was in jail at the relevant time in connection with another case registered against him and at this stage, there is nothing on record like call details record to show that he was connected with the co-accused while being lodged in jail. In *Tofan Singh Vs. State of Tamil Nadu*,

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(2021) 4 SCC 1, it was observed by Hon’ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. The petitioner was arrested on 25.03.2025. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time as even charges have not been framed so far. Moreso, abovenamed co-accused have already been granted concession of regular bail. On the principles of parity, the petitioner too deserves to get the same benefit. Pendency of one other case against the petitioner cannot be considered to be a ground for denying him benefit of bail in given circumstances. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No