



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

220

CRM-M-65735-2025 (O&M)

Date of decision : 30.01.2026

Bhupinder Singh @Pappu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (oral)

For the commission of offence punishable under Section 22 of the 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', the FIR No.158 dated 11.10.2022 has been lodged in Police Station Lalru, District SAS Nagar, Mohali. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is fifth petition for bail filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 11.10.2022 at about 08:00 pm, when a police party headed by 'SI Ranbir Singh Sandhu' was on patrolling duty on Ambala-Chandigarh National Highway near Toll Plaza, Dappar, it spotted a crippled person, who was carrying a polythene bag in his hand. According to



above-named police officer, on the basis of suspicion when the abovesaid person was signalled to stop, he ignored the signal given by the police party and threw the polythene bag being carried out by him on the road side. As per above-named police officer, the abovesaid person was apprehended and when the contents of polythene bag was checked, it was found that he was carrying 3060 intoxicating tablets, weighing 1 kg 958.40 gms.

3. It is the case of the prosecution that on recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of the accused were performed, and further investigation taken up.

4. **Notice of motion.**

5. Mr. I.P.S. Sabharwal, DAG, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. However, no formal reply has been filed by the State and the learned State counsel has opted to orally oppose the present petition.

6. Heard.

7. It has been contended on behalf of petitioner that the present petition is fifth petition for bail moved by the petitioner, and that the present fifth petition filed by the petitioner is maintainable in view of the fact that the fundamental right guaranteed to the petitioner by virtue of Article 21 of Constitution of India is being violated. According to learned counsel for the petitioner, the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than three years and three months, and



that from the date of dismissal of fourth bail petition on 30.07.2025, no significant progress in the trial has taken place.

8. According to learned counsel for the petitioner, as contained in the FIR, the petitioner is a handicapped person and his detention is causing him undue misery in the prison. It has also been contended by learned counsel for the petitioner that the trial is not likely to be concluded in near future, and therefore, the petitioner is not entitled for the benefit of bail.

9. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, in the present case there are very specific and direct allegations against the petitioner of being in possession of commercial quantity of contraband, and therefore, without satisfying the twin conditions, enshrined under Section-37 of NDPS Act, the petitioner cannot be enlarged on bail.

10. In addition to above, the learned State Counsel has also argued that out of 12 prosecution witnesses, 05 have already been examined and 03 have been given up. As per learned State Counsel, there are only 04 witnesses, who are yet to be examined in this case, and thus, the trial is likely to be concluded in near future. The learned State Counsel has also contended that from the date of dismissal of fourth bail petition, no significant change in circumstances has taken place, and that within short period of less than 06 months, it cannot be said that there is inordinate delay in the conduct of trial.

11. The record has been perused carefully.

12. A perusal of record shows that in the present case, the contraband recovered from the possession of petitioner comes within the



ambit of ‘commercial quantity’, and therefore, without satisfying the twin conditions, enshrined under Section-37 of NDPS Act, the petitioner is not entitled for the benefit of bail;

13. In the present case, the trial is almost at an advanced stage, as only 04 prosecution witnesses are left to be examined. In addition to above, it is also relevant to mention here that from the date of dismissal of fourth bail petition, moved by the petitioner, neither there is any significant change in circumstances, nor there is substantial delay.

14. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration it leads to the conclusion that the petitioner is not entitled for the benefit of bail, and that the present petition, being devoid of merits, deserves dismissal.

15. In view of abovementioned observations, the present petition is hereby *dismissed*.

16. However, keeping in view the fact that the petitioner is already in custody for a period of more than 03 years and 03 months, the learned trial Court is directed to expedite the trial in this case, and make every endeavour to decide the same within next four months, from the date of receipt of copy of this order.

17. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

30.01.2026
Gaurav Thakur

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