

2026:PHHC:045566



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

129

CRM-M-63160-2025 (O&M)
Date of decision : 23.03.2026

Ranjeet Singh @ Ranjit Singh @ Rana**...Petitioner**

Versus

Union Territory, Chandigarh**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vivek Kathuria, Advocate
for the petitioner.

Mr. Rahul Arora, Additional P. P., U.T., Chandigarh.

MANISHA BATRA, J.(Oral)

1. The instant one is the third petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No. 120 dated 15.10.2023, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) [Sections 22 and 29 of the NDPS Act added later on] at Police Station Manimajra, Chandigarh. The previous petitions were dismissed as withdrawn.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that on 15.10.2023, co-accused Harpreet Singh @ Happy was apprehended by a police party and recovery of 53.60 grams of heroin was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered contraband, he was formally arrested at the

2026:PHHC:045566



spot. Upon interrogation, he disclosed that he had procured the recovered contraband from the present petitioner. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 24.10.2023. Recovery of 106.36 grams of contraband was effected from him. As per FSL report, the same was found to be containing heroin, Monoacetylmorphine, Acetylcodein, Racemethorphan and Tramadol. He suffered disclosure statement admitting his involvement in the subject offences and also disclosed that he used to procure contraband from Pakistani smugglers as his village was close to the border. He further disclosed that he also used to supply contraband to one Rana, who was also nominated in this case as an accused. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence.

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. A false recovery was subsequently planted upon him. He has clean antecedents. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as only 02 out of total 26 prosecution witnesses have been examined so far. His continued detention would not serve any useful purpose. Co-accused Harpreet Singh @ Happy and Ranjit Singh @ Rana have already been granted concession of regular bail by this Court. On parity, the petitioner too deserves to be given the same benefit. With these broad submissions, it is urged that the petition deserves to be allowed.

2026:PHHC:045566



4. Reply and the custody certificate have been filed by respondent-U.T., Chandigarh. Learned Additional Public Prosecutor, Chandigarh has argued that taking into consideration the gravity of the allegations levelled against the petitioner as well as the fact that subsequent recovery of 106.36 grams of contraband, which contained mixture of heroin, Monoacetylmorphine, Acetylcodein, Racemethorphan and Tramadol, was effected from him, he does not deserve to be released on bail as the same falls under commercial quantity. Therefore, it is stressed that the petition does not deserve to be allowed.

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

6. The petitioner was initially nominated in this case on the basis of the disclosure statement suffered by co-accused Harpreet Singh @ Happy, who was apprehended by the police on 15.10.2023 and from whom, recovery of 53.60 grams of heroin was effected. The petitioner was arrested on 24.10.2023 on the allegations that he had supplied the recovered contraband to the abovenamed co-accused. A subsequent recovery of 106.36 grams of contraband was effected from him. As per FSL report, the same was found containing heroin, Monoacetylmorphine, Acetylcodein, Racemethorphan and Tramadol. As per the case of the prosecution, the same fell under commercial quantity. Though the allegations make out a prima facie case against the petitioner for commission of alleged offences. However, a perusal of the record reveals that investigation has since been completed and challan has been filed. Conclusion of trial would obviously take considerable time as only 02 out of total 26 prosecution witnesses have been examined so far. The petitioner is in custody for the last 02 years, 04 months and 25 days. He has clean antecedents. Both the

2026:PHHC:045566



co-accused have already been granted concession of regular bail by this Court, as mentioned above. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. 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. 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***

2026:PHHC:045566



of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 and Rabi Prakash v. State of Odisha, 2023 SCC Online SC 110, 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 rigours 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 above-mentioned 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.

2026:PHHC:045566



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 more than two years and four months, he has clean antecedents, the trial is not likely to be concluded in near future as a substantive number of the prosecution witnesses are yet to be examined; 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 opinion that a case is made out for grant of bail to the petitioner at this stage. 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 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 is exempted by the trial Court.

2026:PHHC:045566



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.

23.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>