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

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CRM-M-67080-2025 (O&M)
Date of decision: 25.02.2026

Anil @ Monu ...Petitioner

Versus
State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sukesh Kumar Jindal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 631 dated 19.09.2024, registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chandni Bagh, Panipat. His previous petition bearing number **CRM-M-65521-2024** was dismissed by this Court on 29.07.2025 by making following observations:

“6. As per the allegations, the petitioner was apprehended by the police party on 19.09.2024 along with aforesaid co-accused and recovery of 02 kgs. and 100 grams of *Charas* was effected from them. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. Although the petitioner has placed on record CCTV footages and some of its screenshots but the same cannot be given any relevance at this stage. As regards the arguments advanced by learned counsel for the

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petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

2. The arguments which have been raised by learned counsel for the petitioner for grant of regular bail to the petitioner are that the trial is delayed as the case file had gone missing and it is being reconstructed; the independent witness Devender was a stock witness cited as such in four other cases and that the petitioner is in prolonged incarceration. It is, thus, urged that the petitioner deserves to be released on bail.

3. *Per contra*, it is argued by learned counsel for the respondent-State that the previous petition as filed by the petitioner was dismissed by passing a detailed order by this Court by taking into consideration the contentions raised by both sides. It is submitted that no new change in the circumstances has been pointed out. Even the custody undergone by the petitioner cannot be termed as prolonged. Commercial quantity of the contraband had been recovered from him, which attracts bar under Section 37 of the NDPS Act. Therefore, it is urged that the petition does not deserve to be allowed.

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4. This Court has heard the rival submissions.
5. The previous petition filed by the petitioner for grant of regular bail had been dismissed vide order dated 29.07.2025 by passing a detailed order. The instant one has been filed within a period of two months of the said order. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.
6. After hearing the contentions as raised by learned counsel for the petitioner, this Court is of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Even the custody period of the petitioner cannot be termed as prolonged one. The petitioner was found to be in conscious possession of commercial quantity of the contraband, which obviously attracts rigors of

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Section 37 of the NDPS Act. Keeping in view the nature and gravity of the offence, in the considered opinion of this Court, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, the present petition is dismissed, being devoid of any merit.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

25.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No