



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M No.67283 of 2025 (O&M)

Date of Decision: 12.02.2026

Mithu Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, a case registered for the commission of offence punishable under Section 15 of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act', vide FIR No.177 dated 29.12.2024 in Police Station Moonak District Sangrur.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'ASI Surender' when a police party headed by him received a tip-off from a reliable source and, while acting upon the above mentioned secret information, checked a truck parked in the Grain Market, Moonak. According to prosecution on checking of above mentioned truck recovery of 60 Kg of poppy husk was effected.

3. As per prosecution on recovery of above mentioned contraband requisite formalities with regard to seizure and sealing of contraband, slapping of



FIR and formal arrest of petitioner were completed and further investigation undertaken.

4. Notice of motion.

5. Since advance notice has already been served, Mr. Rohit Bansal, Sr. DAG, Punjab, appears on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

6. The learned State Counsel have filed custody certificate of the petitioner and status report by way of affidavit of Deputy Superintendent of Police (Special) (Additional Charge DSP Sub Division, Moonak). The same be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case as he was only the driver of truck, who was loading goods in the truck on the instructions of owner of the truck, i.e. co-accused Gurpreet Singh. According to learned counsel for the petitioner since a large quantity of goods was loaded on the truck, amongst the above mentioned goods, i.e. sacks of cement, one bag containing poppy husk was also loaded without knowledge of the petitioner and therefore, the petitioner cannot be held reliable for the same. It has also been contended by learned counsel for the petitioner that petitioner has already suffered a prolonged incarceration for being in custody for a period of almost 1 year, and that nothing is left to be recovered from the possession of petitioner, and therefore, he is entitled for the benefit of bail.

9. The learned State Counsel has controverted the abovementioned arguments. It has been contended by learned State Counsel that the quantity of



contraband recovered in the present case comes within the ambit of ‘commercial quantity’, and therefore, unless the twin conditions enshrined under Section-37 of NDPS Act are complied with, the petitioner should not be released on bail.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, *prima facie*, there is no denial of the fact that the petitioner was driver of the truck from where the recovery of contraband had taken place. Thus as per settled law the petitioner is supposed to be in conscious possession of the contraband loaded in the truck. Since the quantity of recovered contraband comes within the ambit of commercial quantity, as per settled principles of law unless the twin conditions enshrined under Section-37 of NDPS Act are complied with, the petitioner cannot be given the benefit of bail. In the present case, it is also relevant to mention here that total custody period of the petitioner is less than one year and therefore, this inference cannot be drawn that there is violation of right of speedy trial of the petitioner. Thus it is hereby held that any situation for relaxing the twin conditions, as per Section-37 of NDPS Act, do not exist in the present petition.

12. Taking into consideration the cumulative effect of all the above mentioned factors, once any of the twin conditions enshrined under Section-37 of NDPS Act does not stand complied with in the present case, it is hereby held that the petitioner is not entitled for the benefit of bail, and the present petition being devoid of merits deserve dismissal. Hence the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

12.02.2026
Manoj Bhutani

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