



**126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-68076-2025 (O&M)
Date of decision : 23.03.2026**

Manjit Singh @ Talli

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Chandan Singh Rana, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

CRM-48672-2025

Application is allowed as prayed for.

Main case

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.242 dated 10.10.2025, under Section 21/25 of the NDPS Act, 1985 and Section 29 of the NDPS Act, 1985 (added later on), registered at Police Station Sidhwan Bet, Ludhiana Rural.

2. Succinctly, facts of the case are that on 10.10.2025, the police party in connection with checking of suspected persons, was present at Canal Bridge, Sidhwan Bet where at about 04:20 PM, a secret informer informed that one Gurpreet Singh @ Gopi who is habitual of selling Heroin is coming on his motorcycle bearing No.PB-25J-7453 for selling Heroin from Kishanpura side to Sidhwan Bet and if barricading is laid, he could be arrested on the spot along with the contraband. On receiving the information, the police reached the place as disclosed and set the



barricading. Soon a person was seen coming on a motorcycle as disclosed in the secret information. On suspicion, he was stopped. On asking, he disclosed his name as Gurpreet Singh @ Gopi. He was suspected to be carrying some contraband, thus, search was conducted. On conducting the search, 400 grams of Heroin along with drug money of Rs.54,200/- was recovered. He failed to produce any license regarding possession of the same and thus, the FIR was registered and investigation commenced. During investigation, complicity of the petitioner surfaced on the basis of disclosure statement suffered by co-accused, namely, Gurpreet Singh @ Gopi and hence, he was arrested on 17.10.2025. On completion of the investigation, challan was presented and charges were framed. Petitioner approached the Court of learned Judge, Special Court, Ludhiana, praying for grant of regular bail. However, after hearing counsel for the parties, the same was declined vide order dated 21.11.2025. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery of 400 grams of Heroin and drug money of Rs.54,200/- has been effected from co-accused, namely, Gurpreet Singh @ Gopi. He contends that neither the petitioner was named in the secret information nor any recovery has been effected from him. However, petitioner has been arrayed as accused on the basis of disclosure statement of co-accused, namely, Gurpreet Singh @ Gopi. He contends that the similarly situated co-accused, namely, Amarjeet Singh and Amandeep Singh who were equally arrayed as accused on the basis of disclosure



statement of co-accused have already been granted anticipatory bail by this Court vide orders dated 12.11.2025 and 17.11.2025, respectively. He contends that petitioner is behind the bars since the date of his arrest but till date, the investigating agencies have not concluded the investigation. To buttress his arguments, learned counsel submits that the petitioner has no criminal antecedents. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned State counsel vehemently opposes the submissions made by learned counsel for the petitioner. She submits that the recovery of 400 grams of Heroin was effected from the co-accused, which is commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted in the present case. She submits that during investigation it was established that the recovered contraband was supplied to him by the petitioner and co-accused. On instructions, she submits that case is still under investigation and challan is yet to be presented. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed on the basis of the disclosure statement of co-accused, namely, Gurpreet Singh @ Gopi. The similarly situated co-accused, namely, Amarjeet Singh and Amandeep Singh have been granted anticipatory bail by this Court vide orders dated 12.11.2025 and 17.11.2025, respectively. Custody certificate filed by the State would show that the petitioner has undergone incarceration of 05 months and 04 days as on 22.03.2026. It further reflects that there is no other case registered against the petitioner.



6. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these



aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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