

2026.PHHC.045299



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-68105-2025

Nikka Singh @ Ghugi

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	20.03.2026
2	The date when the judgment is pronounced	23.03.2026
3	The date when the judgment is uploaded on the website	23.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Sekhon, Advocate with
Mr. Gaurav, Advocate and
Mr. Gurnaz Singh Dhillon, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 51 dated 28.07.2024 registered under Sections 22(c) and 27 of Narcotic Drugs and

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Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Phul, District Bathinda. The previous petition as filed by him bearing CRM-M- No.8874-2025 had been dismissed vide order dated 21.08.2025.

2. The petitioner is booked for the commission of the aforementioned offence and is facing trial on the allegation that on 28.07.2024, he along with the co-accused was found in conscious possession of a commercial quantity of intoxicating tablets of Tramadol Hydrochloride. The previous petition as filed by has been dismissed on 21.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody continuously w.e.f. 28.07.2024. The trial will take considerable time to conclude. Each day spent by him in custody has furnished a reason to him to seek concession of bail. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that the allegations against the petitioner are serious in nature. His previous petition had been dismissed by this Court by passing a detailed order. There is no substantive or drastic change in the circumstances and as such, the petition is not maintainable. It is also argued that the trial is going on at a proper pace since only 03 witnesses remain to be examined. The antecedents of the petitioner are not clean as he has remained involved in several other cases. It is, therefore, argued that the petition does not deserve to be allowed.

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

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considerable length.

6. So far as the question of maintainability of the petition being a successive petition filed just after 2.5 months from the date of dismissal of previous petition is concerned, it may be mentioned that though a second/successive petition is maintainable, however, for such petition to succeed the petitioner is essentially required to show some substantial change in the circumstances. Showing of a mere superficial or ostensible change does not suffice. Some cogent and lucid reasons are required to be given by the petitioner for that purpose. In the instant case, however, the petitioner has not given any such new reason on the basis of which he can be held entitled to be released on bail. The previous petition filed by the petitioner has been dismissed by making following observations:-

“As per the allegations, the petitioner along with above named co-accused was apprehended by the police party and the recovery of 7880 intoxicant tablets of Tramadol HCL was effected from them. The quantity of the recovered contraband falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. There are serious and specific allegations against the petitioner. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. The arguments raised by learned counsel for the petitioner with regard to lacunas in investigation cannot be looked into at this stage as the same is to be decided by the trial Court after appreciating the entire evidence and material placed on record before it. Keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from the petitioner, the quantum of sentence

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which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.”

7. The main thrust of argument as raised by learned counsel for the petitioner for seeking bail, is prolonged custody of the petitioner. The commercial quantity of contraband is recovered at the instance of the petitioner. Trial is going on a proper pace and only 03 prosecution witnesses remain to be examined now. As such, there would be not any unreasonable delay in conclusion of the trial. The allegations levelled against the petitioner are serious in nature. The rigors of Section 37 of NDPS act are attracted in this case. There is no such drastic or substantive change in the circumstances entitling the petitioner to seek concession of bail. Taking into consideration the above-discussed facts, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23rd March, 2026

Parveen Sharma

- 1. Whether speaking/ reasoned
- 2. Whether reportable

: Yes / No
: Yes / No