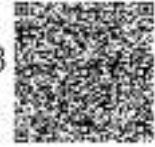


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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-69569-2025

Date of decision: 4<sup>th</sup> February, 2026

Kamaljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Anupam Mathur, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

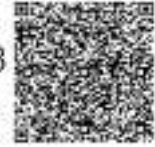
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**MANISHA BATRA, J (ORAL):-**

The present petition has been 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. 24 dated 01.03.2025 registered under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Anaj Mandi, Patiala.

2. As per the allegations, on 01.03.2025, the accused Mani Singh was apprehended by a police party and recovery of 1000 tablets of Alprazolam weighing 105.3 grams i.e. of commercial quantity was effected from his conscious possession. He was formally arrested. He suffered disclosure statement on the basis of which, the present petitioner was nominated as an additional accused. Offence under Section 29 of NDPS Act was added. The

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petitioner was arrested on 03.03.2025. 60 loose tablets have been recovered from his conscious possession. Investigation now stands concluded and the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused from whom commercial quantity of contraband is alleged to have been recovered. A false recovery has been planted upon him which is of non-commercial quantity. The rigors of Section 37 of NDPS Act are not attracted against him. He is in custody since long. Trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. He is on bail in other cases which are registered against him. It is, therefore, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that the allegations against the petitioner are serious in nature as commercial quantity of contraband had been recovered from the co-accused which had been supplied by the petitioner. The petitioner himself is found in conscious possession of the contraband. He is a habitual offender and has even been convicted in one case of similar nature. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. 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.

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6. Commercial quantity of contraband had been recovered from the conscious possession of the co-accused Mani Singh as on 01.03.2025. The petitioner was nominated as additional accused. Non-commercial quantity of intoxicating tablets is alleged to have been recovered from him. The recovery is marginally above than the small quantity. The petitioner is in custody for a period of eleven months. There are no chances of conclusion of the trial in near future as only one out of thirteen prosecution witnesses, has been examined so far. From the allegations as levelled against the petitioner, prima facie the rigors of Section 37 of NDPS Act are not attracted qua him. It is well settled that pre-trial incarceration should not be a replica of post-conviction sentence. It is also well settled proposition of law that bail is the rule and jail is an exception. Taking into consideration the above discussed facts, the nature of subject offence and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

4<sup>th</sup> February, 2026  
Parveen Sharma

- |                               |   |          |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |