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

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CRM-M-69574-2025 (O&M)
Date of decision: 16.03.2026

Sandeep Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the fourth 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. 103, dated 13.08.2024, registered under Sections 21(C), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dugri, District Police Commissionerate Ludhiana. His first petition was dismissed as withdrawn, whereas second petition was dismissed by this Court on 31.07.2025. The third petition was for grant of interim bail on medical ground, which too was dismissed.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the allegations that on 13.08.2024, on the basis of secret information, co-accused Jasjot Singh @ Jot and Khushmandar Singh @ Mandar were apprehended by a police party while they were coming on a scooter bearing registration number

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PB-10-JC-4192. On conducting search, recovery of 21000 tablets of Alprasafe 0.5 (Alprazolam) along with drug money of Rs. 15,050/- was effected from them. Since they could not produce any valid license or permit to keep in their possession the recovered drug, they were formally arrested at the spot. Upon interrogation, they nominated one Savita Garg, her son Deepak Garg and the present petitioner as the persons, who were supplying intoxicant tablets to them. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 13.08.2024. At his instance, recovery of 600 tablets of Alprasafe 0.5 NRx (Alprazolam) was effected. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the 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 the disclosure statements of the abovenamed co-accused, which cannot be considered to be admissible in evidence. A false recovery was planted upon him. Moreso, the quantity of the contraband allegedly recovered from him does not fall under commercial quantity. He is in custody since long. He has clean antecedents. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take considerable time as only 04 out of total 20 prosecution witnesses have been examined so far. Prolonged incarceration of the petitioner entitles him to seek concession of bail. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

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4. Reply has been filed by the respondent-State. It is submitted by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the name of the petitioner was disclosed by co-accused Jasjot Singh @ Jot and Khushmandar Singh @ Mandar, from whom recovery of commercial quantity of the contraband was effected. As per their disclosure statements, they had sourced the contraband from the petitioner and co-accused Deepak Garg and Savita Garg. Though, subsequent recovery of 600 intoxicant tablets is alleged to have been effected

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from the petitioner but admittedly the same does not fall under commercial quantity. The petitioner was arrested on 13.08.2024. Investigation has been completed and challan has been filed. Conclusion of trial would take considerable time as substantial number of prosecution witnesses are yet to be examined. He has clean antecedents. It is also required to be noted that every day spent by an accused in custody provides a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.03.2026*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*