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

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CRM-M-70283-2025 (O&M)
Date of decision: 16.02.2026

Vikas Harish @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second 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 arising out of 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. The previous petition, bearing **CRM-M-50778-2024**, was dismissed by this Court by passing a detailed order on 24.02.2025. The operative part of the order dated 24.02.2025 reads as follows:

“6. The petitioner has been nominated in this case on the disclosure of above named co-accused and after his arrest; recovery of 4800 tablets of Alprazolam was effected from him. Apart from this, more than 30000

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intoxicant tablets have been recovered from the co-accused. The allegations against the petitioner are quite serious. He is stated to be member of a gang, which is indulged in sale/purchase of narcotic and psychotropic substances. The quantity of the recovered contraband obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner as nothing has been placed on record before this Court so as to believe that he did not commit the subject offence or in case, he is released on bail, he would not commit any such or similar offence. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.”

2. The only argument which has been raised by learned counsel for the petitioner for grant of regular bail to the petitioner is that extended period of incarceration has entitled the petitioner to be released on bail and therefore, it is urged by him that the petition deserves to be allowed.

3. *Per contra*, it is argued by learned counsel for the respondent-State that the previous petition as filed by the petitioner was dismissed by passing a detailed order by this Court by taking into consideration the

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contentions raised by both sides. It is submitted that no new change in the circumstances has been pointed out. The custody undergone by him cannot be termed as prolonged one. Therefore, it is urged that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions.

5. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 05.02.2025. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

6. After hearing the contentions as raised by learned counsel for the petitioner, this Court is of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved

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by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Even the custody undergone by the petitioner cannot be said to be prolonged, keeping in view the gravity of the allegations levelled against him. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature and gravity of the offence, in the considered opinion of this Court, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

16.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No