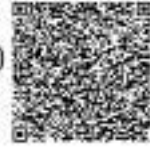


2026 PHHC 015390



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

314

CRM-M-71658-2025

Date of decision: 4th February, 2026

Anmol Singh@ Anmol Saggu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhaysher Singh, Advocate for the petitioner.

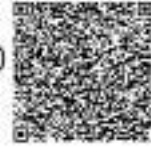
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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. 70 dated 16.11.2023 registered under Sections 21 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Talwandi Bhai, District Ferozepur.

2. As per the allegations, on 16.11.2023, a secret information was received to the effect that the present petitioner along with co-accused Anurag Saggu was involved in the business of sale and purchase of heroin. It was also informed that on the same day, the petitioner along with the co-accused was standing at the bridge with commercial quantity of heroin and could be apprehended. Believing the secret information to be true, a raiding party was

2026.PHHC.015390

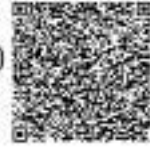


immediately formed. Intimation was sent to the police station for registration of case. The police officials reached at the informed place. The petitioner and the co-accused were apprehended. On conducting search, 01 kg of heroin was recovered from the petitioner and 01 kg of heroin was recovered from the co-accused. The same was taken into possession. The petitioner along with the co-accused was formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody for a period of about 02 years and 02 months. The trial will take considerable time to conclude as only 03 out of 13 prosecution witnesses have been examined so far. His continued detention would not serve any useful purpose. Similarly situated co-accused Anurag Saggi has been extended benefit of bail. On parity, the petitioner too deserves to be extended the same benefit. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. *Per contra*, learned State counsel has argued that taking into consideration the fact that commercial quantity of the contraband was recovered from the petitioner, he does not deserve to be released on bail. He has criminal antecedents. 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.

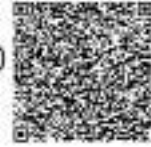
2026.PHHC.015390



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

6. The petitioner is alleged to be found in conscious possession of commercial quantity of contraband. He is in custody since 16.11.2023 and has spent a period of more than two years and two months. Obviously the trial is likely to take time to conclude as most of the witnesses are yet to be examined. It is well settled proposition of law that grant of bail on account of delay in trial and long period of incarceration is to be considered in the light of Section 37 of the NDPS Act. Reliance in this regard can be placed upon the observations made by Hon'ble Apex Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352***, wherein it was held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section 37 of the NDPS Act, given the imperative of Section 436-A of Cr.P.C. which is applicable to offence under the Act. It was also observed that jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon ***Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No.8656 of 2023*** decided on 14.09.2023 and ***Rabi Prakash v. State of Odisha, 2023 SCC Online SC 110***, wherein the Hon'ble Supreme Court had extended benefit of bail to the accused who had been incarcerated for a long period by observing that prolonged incarceration militated against the most precious fundamental right guaranteed under Article 21 of the

2026.PHHC.015390



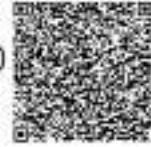
Constitution and in such a situation, the constitutional principles must override the statutory embargo contained under Section 37 of the NDPS Act.

7. Reliance can also be placed upon ***Santosh Pawar Vs. State of Chhattishgarh & Anr., Criminal Appeal No.4883/2025***, which is a recently pronounced verdict of Hon'ble Supreme Court observing that rigours of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion of trial. In the above-mentioned case the Hon'ble Supreme Court of India held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance, was entitled for bail in view of her incarceration for a period of 19 months.

8. Similarly in another case i.e. in the case of ***Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51*** prolonged incarceration and inordinate delay engaged the attention of the Hon'ble Supreme Court of India, which considered the correct approach towards bail, with respect to several enactments, including Section 37 NDPS Act. The court expressed the opinion that Section 436A (which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods) of the Criminal Procedure Code, 1973 would apply.

9. In the case of ***Ismail Khan @ Pathan vs. State of Rajasthan Criminal Appeal No.4911 of 2025*** with regard to recovery of commercial quantity of narcotic substance, the Hon'ble Supreme Court of India accorded the benefit of bail to the accused in view of prolonged incarceration for a

2026 PHHC 015390



period of 02 years and 08 months of the accused.

10. The similar benefit has been extended in another appeal i.e. *SLP No.15699-2025 titled as Ebrahim @ Ibrahim SK vs. The State of West Bengal* and in the case of *Pamesh Arora vs. UT Chandigarh Criminal Appeal No.4872 of 2025*.

11. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for a period of more than two years and two months, the trial is not likely to be concluded in near future as most of the prosecution witnesses are yet to be examined; the continued detention of the petitioner is not likely to serve any fruitful purpose; there is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond.

12. In view of the above discussion, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence is exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the

2026.PHHC.015390



pendency of the trial.

13. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

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

[MANISHA BATRA]
JUDGE

4th February, 2026
Parveen Sharma

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