



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CRM-M No.1679 of 2025
Date of decision: 28.03.2025

SHIVAM SINGH.... **Petitioner****Versus****STATE OF PUNJAB AND ANOTHER**.... **Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. N.S. Dadwal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. This is the second petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short- 'BNSS') by the petitioner for grant of regular bail in case arising out of complaint No.DRI/LDZU/855/INT-02/2021 under Sections 8, 20, 27-A, 29 and 60 of NDPS Act, at Police Station Division No.5 Ludhiana. The first petition bearing No. CRM-M-45154-2024 filed by the petitioner was dismissed by this Court vide order dated 26.11.2024.

2. As per the allegations, on receipt of an information regarding huge quantity of Cannabis (Ganja) lying stored in some godown in village Mangli Nichi, Sahnewal, District Ludhiana, a search was conducted in the said godown on 08.09.2021 and the petitioner was found present therein. It was informed by the petitioner that godown was taken on rent by him from one Jiya Lal. The co-accused Arwinder Singh Sidhu, Mintu Singh and Manoj Sharma were also present there. On conducted search, 52 brown colour packets containing Cannibis (Ganja) were found kept therein. On weighing, 428.13 kgs Ganja was recovered. The petitioner was arrested and on interrogation, he



disclosed that he had procured contraband from Berhampur, Odisha. Co-accused Ranjeet Rai and Bindesh Rai were nominated by the petitioner as co-accused. They were also arrested. Complaint was filed.

4. It is argued by learned counsel for the petitioner that the co-accused Arwinder Singh Sidhu, Rajneet Rai, Manoj and Bidesh Rai have since been extended benefit of bail. On parity, he too deserves to be released on bail. He is in custody since 09.09.2021. The trial is likely to take time. His further incarceration would not serve any useful purpose. Therefore, it is argued that the petition deserves to be allowed.

5. Status report has been filed. It is argued by learned State counsel that the allegations against the petitioner are serious in nature, in fact, he has been made culprit in this case since the recovery of 428.13kgs of Cannabis was effected from the premises wherein he was present. He is main supplier of the contraband and used to have conversation with the co-accused. He is a habitual offender as one more case under the NDPS Act is pending against him. There are chances of his committing the similar offences, if he is extended benefit of bail. Therefore, it is urged that he does not deserve to be released on bail.

6. I have heard learned counsel for the parties at considerable length.

7. The petitioner is in custody since 09.09.2021. All the co-accused have since been extended benefit of bail. Undoubtedly, rigors of Section 37 of NDPS Act are attracted. However, the petitioner has undergone actual custody for a period of 3 ½ years. Complaint/challan already stands presented. Only 1 out of 16 witnesses of the complainant had been examined so far. The trial would take considerable time to conclude. Keeping in view the afore-discussed facts, the petition is allowed. The petitioner is ordered to be released on bail



subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. The petitioner shall, however, inform about his release on bail to the concerned Intelligence Officer, D.R.I. (Zonal Unit), Ludhiana/Investigating Officer and also about his present as well permanent address and his cell phone number. He will mark his presence before the concerned Intelligence Officer/Investigating Officer on first Monday of every month till the conclusion of trial and in case, the Intelligence Officer/Investigating Officer refuses to mark his presence, he is permitted to move an application before the Illaqa Magistrate concerned.

9. This petition is disposed of accordingly.

10. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on merits of the case.

28.03.2025

Jyoti-IV

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No