



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

**240**

**Date of decision: 22.07.2025**

**1. CRM-M-23604-2025**

Bittu Singh @ Bantu Singh

....Petitioner

Versus

State of Haryana

....Respondent

**2. CRM-M-15594-2025**

Major Singh

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. P.S. Sekhon, Advocate  
for the petitioner in CRM-M-23604-2025.

Mr. Yashpal Thakur, Advocate  
for the petitioner in CRM-M-15594-2025.

Mr. Satbir Goripuriya, DAG, Haryana.

**HARPREET SINGH BRAR J. (Oral)**

1. Vide this common order, I intend to dispose of CRM-M Nos.23604 and 15594 of 2025, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-15594-2025.

2. Prayer in both these petitions filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner(s) namely Bittu Singh @ Bantu Singh and Major Singh in FIR No.385 dated 25.10.2024 registered under Sections 15-C, 25 and 29 of the Narcotic Drugs and

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Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Sadar Hansi, District Hisar.

3. As per the prosecution case, on 25.10.2024, the petitioner – Major Singh and Ajaib Singh were apprehended by the police party for keeping in possession 50 Kgs and 283 grams of Doda Post (Poppy Straw) in a truck bearing registration No.PB-11-AY-9081. Thereafter, the impugned FIR was registered and later on, on the basis of disclosure statement, the petitioner – Bittu Singh @ Bantu Singh, has been nominated as an accused in the FIR (supra).

4. Learned counsel for the petitioner – Bittu Singh @ Bantu Singh (in CRM-M-23604-2025) *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The perusal of the case set up by the prosecution clearly indicates that nothing has been recovered from the conscious and exclusive possession of the petitioner – Bittu Singh @ Bantu Singh and he has been nominated as an accused in the FIR (supra) on the basis of the disclosure statement made by co-accused Major Singh, during his custodial interrogation, which has no evidentiary value in the eyes of law as the same is hit by Sections 25 and 26 of the Evidence Act.

5. Learned counsel representing the petitioner – Major Singh (in CRM-M-15594-2025) submits that admittedly the weight of the alleged poppy husk recovered from the possession of the petitioner is 50 Kgs and 283 grams, which includes the weight of the bags and if the weight of the bags is deducted from the bulk, then, the recovery would

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come out to be less than the commercial quantity. Further, it would be a moot point to be decided by the learned trial Court during the course of trial, whether the alleged contraband recovered from the conscious possession of the petitioner – Major Singh and Bittu Singh @ Bantu Singh, which falls under the ambit of commercial quantity. He further submits that the alleged recovery is only 283 grams. higher than the commercial quantity.

6. Learned counsel for the petitioner(s) further submits that there are total 12 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date as charges are yet to be framed and the trial is likely to take long time in conclusion.

7. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner(s) on the ground that huge quantity of contraband was recovered from the petitioner – Major Singh, which falls within the ambit of commercial quantity. The petitioner – Bittu Singh @ Bantu Singh is a habitual offender and is involved in six more cases registered under the NDPS Act and as such, both the petitioners are not entitled for any relief, however, he could not controvert the fact that the petitioner – Bittu Singh @ Bantu Singh is on bail in all the other cases.

8. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that both the petitioner(s) namely Bittu Singh @ Bantu Singh and Major Singh are behind the bars since 25.04.2025 and 25.10.2024, respectively. Investigation is



complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and trial of the case has not made much progress.

9. Further the recovered quantity exceeds the commercial quantity only by 283 grams. In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in *Davinder Singh alias Baba vs. State of Punjab in CRM-M-64821-2023 decided on 25.01.2024*, *Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024*, *Ranjiti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on 10.01.2023*, *Jagtar Singh vs. State of Punjab in CRM-M-21460-2022 decided on 08.02.2023*, *Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024*, *Jang Kanwar vs. State of Punjab in CRM-M-53415-2021 decided on 19.01.2022*, *Sukhchain Singh @ Manga vs. State of Punjab, CRM-M-7857-2022 decided on 04.04.2022*, *Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023*, *Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021) decided on 11.11.2022*, *'Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020*, *Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021*, *Salim vs. State of Haryana, CRM-M-42436-2020, decided on 24.02.2021*, *Satnam Singh @ Chacha vs State*



*of Punjab, CRM-M-34531-2020, decided on 25.02.2021, Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020, Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023’, and Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023.*

10. Moreover, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioners-accused. In fact, keeping the petitioner(s) in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

11. Finally, in view of the ratio of law laid down by Hon’ble Supreme Court in *Prabhakar Tiwari vs. State of UP and Anr. 2020(1) RCR (Criminal) 831* and *Maulana Mohd. Amir Rashadi vs. State of U.P. and Others 2012(2) SCC 382*, the involvement of an accused in other criminal cases cannot be the sole ground to deny the concession of bail to the petitioner(s).

12. In view of the discussion made hereinabove, both the present petitions are allowed. Accordingly, without commenting upon the merits of the case, the petitioner(s) namely Bittu Singh @ Bantu Singh and Major Singh are ordered to be released on regular bail during pendency of the trial, on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/trial Court/Duty Magistrate.

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13. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

14. A photocopy of this order be placed on the file of other connected case.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**22.07.2025**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No