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

**CRM-M No.15104 of 2025
Date of Decision: 16.09.2025
Reserved on: 09.09.2025**

Raj Singh @ Karan ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Sandhu, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.321 dated 16.10.2023 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Special Task Force, Phase-IV, Mohali (for whole Punjab), District Ferozepur.

2. As per the allegations, on 16.10.2023, the petitioner along with the co-accused Shinder Singh was apprehended on the basis of a secret information and 1 kg heroin was recovered from them.

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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case and a false recovery of contraband has been planted upon him. Nothing was recovered from his conscious possession. The investigating agency failed to comply with the mandatory provisions of NDPS Act. Neither any independent witness was joined nor the samples were deposited within the stipulated time. He is in custody for about a period of 01 year and 11 months. His further incarceration would not serve any useful purpose. He is not involved in any case under the provisions of NDPS Act. It is, therefore, urged that he deserves to be released on bail.

4. Custody certificate has been filed. Learned Assistant Advocate General, Punjab while refuting the contentions as raised by the petitioner's counsel has submitted that the petitioner has criminal antecedents. The trial is going on at a proper pace. There are chances of his absconding if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have been found in conscious possession of 1 kg of heroin. He is in custody since 16.10.2023. No other case under the provisions of NDPS Act has been registered against the petitioner though he is involved in several other cases. The trial is likely to take more time as only 07 witnesses have been examined so far. It is well settled proposition of law that prolonged

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incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and to achieve balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors enumerated under Section 37 of the NDPS Act, an accused is not precluded from claiming bail invoking parameters of Article 21 of the Constitution of India *de-hors* the stringent provisions of Section 37 of NDPS Act. Reliance in this regard can be placed upon the observations made in *Rabi Prakash vs. State of Odisha, 2023 Live Law (SC) 533; Ankur Chaudhary vs. State of Madhya Pradesh, 2024 (4) RCR (Criminal) 172; Mohd. Muslim @ Hussain vs. State (NCT of Delhi), 2023 AIR(SC) 1648; Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022(10) SCC 51 and Bhupender Singh vs. Narcotic Control Bureau, (2022) 2 RCR (Criminal) 706*. Therefore, keeping in view the aforementioned facts and circumstances and also in view of the ratio of law as laid down in the aforecited authorities, 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.

7. It is made clear that any observation made herein above is only

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for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No