



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

**CRM-M-14618-2026 (O&M)
DECIDED ON: 20.03.2026**

GURMAIL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Anupam Bhanot, Advocate
for the petitioner.

Mr. Kanav Singla, AAG, Punjab.

MANDEEP PANNU, J (ORAL)

1. This is the first petition under Section 439 Cr.P.C. read with Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.210 dated 25.07.2025, registered under Sections 22 and 29 of the NDPS Act at Police Station Dera Bassi, District SAS Nagar, Punjab.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner has been nominated only on the basis of the disclosure statement of the co-accused. It has been further submitted that nothing has been recovered from the conscious possession of the petitioner as whatever recovery i.e. 35 strips of Lomotil, each containing 60 tablets, in total 2100 tablets and 20 more strips of Lomotil, each strip containing 60 tablets, in total 1200 tablets was effected that was from co-accused Balkar Singh. He



further submits that except the disclosure statement of co-accused, there is no material available with the prosecution to connect the petitioner with the alleged contraband. It has been argued that the petitioner is a man of clean antecedents as he is not involved in any other case.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He has opposed the prayer for grant of regular bail on the ground that the petitioner is culpable under the stringent provisions of Narcotic Drugs and Psychotropic substances act, 1985.

4. After hearing learned counsel for the parties and perusing the record, this Court finds that admittedly no recovery has been effected from the present petitioner, he has been nominated solely on the basis of the disclosure statement of the co-accused, there is no other connecting evidence on record to link the present petitioner with the recovered contraband, the petitioner is not a habitual offender as he is not involved in any other case added with the fact that the petitioner has been in custody for the last 04 months & 08 days and the trial is likely to take time to conclude.

5. The evidentiary value of a disclosure statement of a co-accused, in the absence of recovery or corroboration, is weak in view of the settled position of law laid down by the Hon'ble Supreme Court in '**Vijay Singh vs. The State of Haryana', bearing Special Leave to Appeal (Crl.) No.(s) 1266/2023 decided on 17.05.2023**' has held as under:

"The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act)". His application for anticipatory bail was rejected by the High Court.



The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail. Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose. The petition is allowed.”

6. In view of the above and without expressing any opinion on the merits of the case, this Court is of the considered view that the petitioner has made out a case for grant of regular bail.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing adequate bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. However, it is made clear that nothing stated hereinabove shall be construed as an expression on the merits of the case.

9. All pending miscellaneous application(s), if any, stands disposed of.

20.03.2026

Poonam Negi

**(MANDEEP PANNU)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*