



CRM-M-37823-2026 (O&M)

CNR No: PHHC011116082026

2026:PHHC:126829

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

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CRM-M-37823-2026 (O&M)

Date of decision: 09th September, 2026

Himanshu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (ORAL):-

The instant one is the second petition that has been filed by the petitioner under Section 483 of BNSS, 2023 for grant of bail to him in case bearing FIR No. 45 dated 01.03.2025, registered under Section 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Kotkapura, District Faridkot. His previous petition was dismissed as withdrawn.

2. Brief facts of the case relevant for the disposal of the present petition are that on 01.03.2025, the petitioner along with co-accused Manjit Singh, while travelling in a car, was apprehended by a police party and recovery 262 grams of heroin was effected from their conscious possession. Both of them were formally arrested. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned



offence.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The story put forth by the police party is concocted one. In fact, a false recovery was planted upon him. The mandatory provisions of the NDPS Act were not complied with properly. Even otherwise, the quantity of the contraband allegedly recovered from the petitioner is marginally higher than the commercial quantity. Investigation has since been completed and challan has been presented before the Court. The trial is likely to take considerable time as no prosecution witness has been examined so far. The petitioner is in custody since 01.03.2025. His involvement in one more case of similar nature cannot be made a reason for denying him bail in this case. No useful purpose would be served by keeping him in custody anymore. It is, thus, urged that the petition deserves to be allowed. Learned counsel for the petitioner has placed reliance upon the judgments cited as ***Amritpal Singh vs. State of Punjab : 2022 (3) Law Herald 1996***, ***Karandeep Singh @ Sunny vs. State of Punjab : 2021 (3) Law Herald 2230*** and ***Mandeep Singh alias Lakhari vs. State of Punjab : 2022 (1) Law Herald 74***, whereby the accused, from whom the contraband marginally above the commercial quantity was recovered, were granted concession of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner along with the co-accused was apprehended by the police party on 01.03.2025 and recovery of commercial quantity of contraband was effected from them. The rigors of Section 37 of the NDPS Act would be attracted in this case. Trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.



5. This Court has heard the rival submissions.
6. The petitioner is in custody since 01.03.2025. The quantity of the contraband recovered from him is marginally above than the commercial quantity. Though the allegations levelled against the petitioner make out a prima facie case against the petitioner for commission of subject offence, however, on a perusal of the record, it is apparent that there are no chances of conclusion of the trial in near future and it will take considerable time as no prosecution witness has been examined so far. The petitioner has remained in custody since long. His involvement in one more similar case cannot be considered to be a ground to deny him bail in this case in the given circumstances. Therefore, keeping in view the aforesaid facts as well as the ratio of law laid down in aforecited authorities, this Court is of the considered opinion that the petitioner deserves to be granted benefit of regular bail. 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 for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09th September, 2026*Parveen Sharma***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*