

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No. Bail App No. 57/2025
CrIM No. 355/2025
c/w
CrI R No. 20/2025

Reserved on: 10.10.2025

Pronounced on: 18.10.2025

Uploaded on: 18.10.2025

Whether the operative part or
full judgment is pronounced

Karan Singh Alias Goli

.....Petitioner(s)

Through: Mr. Utsav A Magotra, Advocate.

Vs

UT of J&K and anr..

..... Respondent(s)

Through: Mr. Vishal Bharti, Dy. A.G with
Mr. Vivek Mattoo, Advocate
Mr. Aditya Pandita, Advocate

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

(JUDGMENT)

1. By this common order, two petitions, one for grant of bail and another challenging order dated 20.11.2024 passed by learned Additional Sessions Judge, Samba (hereinafter referred to as "trial Court"), whereby charges for offences under Sections 8/21/22 and 29 NDPS Act have been framed against the petitioner, are proposed to be disposed of.

2. As per the case of prosecution, on 15.09.2023, the police of police station, Vijaypur, Samba had laid a Naka near AIIMS, Vijaypur. At about 17.40 hours, a JKSRTC Bus bearing registration No. JK02Y/0829 reached the Naka while it was proceeding from Samba side towards Jammu. The bus in question was stopped by the police party and a couple of police officials on duty entered the bus for checking purposes. Upon spotting the police, two passengers sitting in the bus got frightened and they tried to escape from the bus. These two persons were carrying a red and black coloured bag with navy blue lines (Pithu Bag). The police got suspicious about these two persons and they were apprehended.

3. Upon questioning, one of these persons disclosed his name as Sourav Deep Singh alias Sherry whereas, other person identified himself as Karan Singh alias Goli, (the petitioner herein). The bag being carried by the two accused was subjected to checking and four number of small packets containing heroin like substance packed in transparent polythene weighing about 100 gms each were found in the bag. The two persons were made to disembark from the bus and upon questioning, they disclosed that they are indulging in illegal business of heroin along with

one more person namely Baba R/o Chatti Amritsar who had given the said consignment to these accused persons with a direction to handover the consignment to Manshu R/o Balole, Bari Brahmana. On the basis of docket received from the Naka party, FIR No. 129 for offences under Sections 8/21/22/27-A/29 NDPS Act was registered at police station, Vijaypur. The petitioner and co-accused Sourav Deep Singh @ Sherry were arrested and investigation of the case was set into motion.

4. During investigation of the case, the recovered packets of heroin were sealed and samples were drawn from these four packets which were sent to FSL Jammu for chemical analysis. The co-accused Balwinder Singh @ Baba was arrested after obtaining production warrant and arrest was effected from District jail Gurdaspur where he was in custody in connection with FIR No. 204 of 2023 for offences under Section 21-(C), 27-A of NDPS Act registered with police station, Dinanagar. Name of one more person namely Akashdeep Singh also surfaced during the investigation of the case and he was arrested from District Jail Gurdaspur after obtaining production warrants. The involvement of one more person namely Bunty Langeh R/o Gujar Pura, Amritsar also surfaced. His arrest is still to be awaited. The

Call Data Records relating to sim cards used by all the accused were obtained and from the analysis of the same, it was found that all the accused were in close contact with each other for a long period of time as also on the day of occurrence. Thus, offences under Sections 8/21/22/29 NDPS Act have been found proved against the petitioner and five more co-accused. Accordingly, the charge-sheet was laid before the trial Court.

5. The learned trial Court vide impugned order dated 20.11.2024 declined to discharge the accused and framed charges against the petitioner and other arrested accused for offences under Sections 8/21/22/29 NDPS Act. It also appears that bail application of the petitioner and co-accused has been rejected by the learned trial Court in terms of order dated 20.11.2024.

6. The petitioner has challenged the order of framing charge and has sought bail on identical grounds by contending that no recovery of the contraband substance has been effected from his possession and merely on the basis of Call Data Records, neither charges could have been framed against the petitioner nor his bail application could have been rejected. It has been submitted that as per the recovery memo prepared by the Bail App No. 57/2025

investigating agency, the contraband substance is shown to have been recovered from the possession of co-accused Sourav Deep Singh @ Sherry and not from the petitioner. It has also been contended that the petitioner and co-accused Sourav Deep Singh @ Sherry as per the prosecution case were travelling in a public service vehicle and not in a private vehicle, therefore, it cannot be inferred that the petitioner was in league with co-accused Sourav Deep Singh @ Sherry.

7. The respondents have filed their reply to the bail application in which they have submitted that there is enough material on record to show the involvement of the petitioner in the alleged crime. It has been further submitted that the petitioner is involved in heinous crime as such, he does not deserve to be enlarged on bail particularly, keeping in view the statutory bar contained in Section 37 of the NDPS Act which is attracted to the present case.

8. I have heard learned counsel for the parties and perused record of the case.

9. As already noted, the contention of the petitioner is that no recovery of contraband substance has been effected from him

and as per the recovery memo, the contraband substance has been recovered from the possession of accused Sourav Deep Singh @ Sherry. There is no denying the fact that recovery memo pertaining to Sourav Deep Singh @ Sherry records the recovery of entire contraband substance weighing 405.76 grams in total (04 packets). The said quantity definitely falls within the parameters of commercial quantity. At first blush, the contention of the petitioner that no recovery was affected from him and as such, he cannot be stated to be involved in the alleged crime, appears to be attractive but when the prosecution statements of witnesses recorded under Section 161 Cr.PC are analysed closely, it is found that all of them have stated in one voice that the bag from which contraband substance was recovered was being carried by both the petitioner as well as co-accused Sourav Deep Singh @ Sherry. These witnesses have also stated that both the aforesaid accused upon spotting police tried to escape and they got frightened which prompted the police party to subject the bag that was being carried by both the accused with them, to checking.

10. In the face of aforesaid evidence on record, merely because in the recovery memo pertaining to petitioner, no

recovery of contraband substance is recorded and the same is recorded in the recovery memo pertaining to co-accused Sourav Deep Singh @ Sherry only, it cannot be stated that the petitioner is not involved in the crime. It is true that the petitioner and co-accused were travelling in a public service vehicle and not in a private vehicle but evidence on record shows that they were travelling together and both of them were in conscious possession of the bag from which the contraband substance was recovered. Besides this, the Call Data Record collected by the investigating agency shows that the petitioner and other co-accused were in constant touch in past as well as on the day of occurrence. In these circumstances, it cannot be stated that the petitioner was a stranger to co-accused Sourav Deep Singh @ Sherry merely because they were travelling in a public service vehicle.

11. From the aforesaid discussion, it is clear that there is material on record of the charge sheet which raises a strong suspicion about the involvement of the petitioner in the alleged crime. Thus, there are reasonable grounds for proceeding against the petitioner and as such, he cannot be discharged. The material on record prima-facie shows that the petitioner is involved in commission of offences under Sections 8/21/22 and 29 NDPS Act

and commercial quantity of contraband substance has been recovered in the present case. Therefore, the provisions contained in Section 37 of the NDPS Act are attracted to the facts of the present case. Since the material on record points towards the involvement of the petitioner in the alleged crime as such, it cannot be stated that there are reasonable grounds for believing that he is not involved in the offence relating to possession of commercial quantity of the contraband substance. Thus, conditions for grant of bail as stipulated in Section 37 of the NDPS Act are not satisfied in this case.

12. For the foregoing reasons, both the petitions are found to be without any merit. The same are, accordingly, dismissed.

(SANJAY DHAR)
JUDGE

JAMMU
18.10.2025
Tarun/PS

Whether order is speaking: Yes

Whether order is reportable: Yes