



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

214

**CRM-M-10384-2026 (O&M)**  
**Date of decision : 14.07.2026**

Nand Kishore

..... Petitioner

VERSUS

Narcotics Control Bureau (NCB)

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present : Mr. Vinod Ghai, Sr. Advocate with  
Mr. Arnav Ghai and Mr. Prashant Kharb Budhera, Advocates  
for the petitioner.

Mr. Sourabh Goel, Special Public Prosecutor with  
Ms. Geetika Sharma, Ms. Himanshi Gautam and  
Ms. Drishti Saraf, Advocates for the respondent.

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**SURYA PARTAP SINGH, J.**

This petition for bail is the fourth petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a prosecution bearing NCB Crime No.14/2015 dated 05.05.2015, under Sections 8, 18, 29, 27A and 30 of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act'. The abovementioned prosecution has been initiated by NCB Chandigarh Zonal Unit, Chandigarh, and registered as NDPS-415-2022 dated 01.11.2022 titled as 'NCB V/s Nand Kishore'.

2. Briefly stating the facts emerging from record are that the abovementioned case came into being at the instance of officials of Narcotics Control Bureau, hereinafter being referred to as 'complainant'



only. According to the facts set-out by the prosecution, the officials of NCB received a secret information with regard to delivery of large quantity of opium through various persons, to 'Sukhbir Singh @Sukha', 'Lakhbir Singh @Lakha' and 'Jasghir Singh'.

3. It is the case of the prosecution that the abovementioned information was received on 04.05.2015 and on 05.05.2015, the officials of NCB conducted a joint operation with 'Special Task Force' (STF) Hisar and local police and in the abovementioned raids, 36.15 kg opium and Rs.19.4 lacs currency notes (drug money) were recovered from the possession of accused 'Sukhbir Singh @Sukha' and 'Lakhbir Singh @Lakha'.

4. According to prosecution, once the abovementioned recovery took place, investigation of the present case was taken up, and during the course of investigation, when accused 'Sukhbir Singh @Sukha' and 'Lakhbir Singh @Lakha' were interrogated, they suffered their respective disclosure statements, wherein they nominated the present petitioner as supplier of the abovementioned contraband.

5. Status report has already been filed by learned State Counsel. Custody certificate of the petitioner has been filed today. They be taken on record.

6. Heard.

7. It has been contended by learned Senior Counsel for the petitioner that the petitioner in the present case has been implicated, merely on the basis of disclosure statement suffered by his co-accused, and that



pursuant to abovementioned disclosure statement, nothing incriminating was recovered from the possession of petitioner. It has also been contended by learned Senior Counsel for the petitioner that although this is fourth petition for bail filed by the petitioner, but the same is maintainable and the petitioner is entitled to the benefit of bail, as from the date of dismissal of last petition for bail, on 13.08.2025, there is no significant progress in the trial. As per learned Senior Counsel for the petitioner, prolonged incarceration and delay in trial renders the petitioner to be eligible for bail.

8. The thrust of arguments of learned Senior Counsel for the petitioner has been upon the period of long incarceration to which the petitioner has undergone. It has been contended by learned Senior Counsel for the petitioner that the petitioner has already suffered incarceration for a period of more than three years and eleven months. While alleging that due to delay in trial and long period of incarceration, the right of speedy trial of the petitioner is being denied, the learned Senior Counsel for the petitioner has sought for the benefit of bail for the petitioner.

9. The learned Special Public Prosecutor for the NCB has controverted the abovementioned arguments. It has been pointedly argued by learned Special Public Prosecutor for the NCB that present case is a case, wherein there were several accused and two trials with regard to other co-accused have already been concluded and two co-accused of the petitioner have been convicted (whereas remaining have been acquitted).



10. The learned Special Public Prosecutor for the NCB has further contended that the petitioner is a person, who has dubious record, as he absconded for a long period and was declared a proclaimed offender. With regard to above, it has been contended by learned Special Public Prosecutor for the NCB that the petitioner was declared proclaimed offender in the year 2013 and he was re-arrested in the year 2022. According to learned Special Public Prosecutor for the NCB, the delay in trial in the present case was due to non-appearance of the petitioner for a long period.

11. In addition to above, the learned Special Public Prosecutor for the NCB has also contended that otherwise also, this is fourth petition filed by the petitioner and from the date of dismissal of third petition, no significant change in attending circumstances has taken place. According to learned Special Public Prosecutor for the NCB, otherwise also in the present case, the recovery of huge quantity of contraband, which comes within the ambit of commercial quantity, i.e. 36.150 kg of opium, is involved, and that without satisfying the twin conditions, enshrined under Section-37 of NDPS Act, the petitioner cannot be accorded the benefit of bail. As per learned Special Public Prosecutor for the NCB, the petitioner has failed to comply with any of the twin conditions.

12. The record has been perused carefully.

13. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the past of the petitioner in itself speaks in volumes about his conduct, as he absconded for a period of approximately nine years and was declared a proclaimed offender;
- ii. that in the present case, the recovery of contraband comes within the ambit of ‘commercial quantity’, and therefore, without satisfying the twin conditions prescribed under Section-37 of NDPS Act, the petitioner can’t claim the benefit of bail. There is nothing on record to show that the petitioner satisfies the twin conditions;
- iii. that from the date of dismissal of third petition on 13.08.2025, no such change in attending circumstances has taken place, which could have rendered the petitioner eligible for bail.

14. Taking into consideration the cumulative effect of all the abovementioned factors, but without commenting anything on the merits of the case, it is hereby held that the present petition, which is fourth petition for bail, filed by the petitioner, is devoid of merit and deserves dismissal. Hence, the same is hereby *dismissed*, accordingly.

15. However, it is clarified that the abovementioned observations shall not have any bearing upon the merits of the case.

16. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)

JUDGE

14.07.2026

Gaurav Thakur

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether Reportable          | Yes/No |