



CRM-M-35595-2026

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

CRM-M-35595-2026

Malkeet Singh

....Petitioner

V/s

Union of India

....Respondent

Date of decision: 22.07.2026

Date of Uploading : 22.07.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Rajiv Sharma (Hissarwala), Special Public Prosecutor with
Mr. Vinayak Atri, Advocate for the respondent - NCB

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in NCB Crime No.04/2026 dated 19.01.2026 registered for offences punishable under Sections 8/20/23/27-A and 29 of the NDPS Act at Police Station Narcotic Control Bureau, Amritsar Zonal Unit.

2. The prosecution case, for the cause of convenience, as described in the impugned order (rejecting anticipatory bail plea of the petitioner by the concerned Special Judge) reads thus:

"5. As per allegations of the prosecution, acting on specific intelligence, officers of the Narcotics Control Bureau, Amritsar, seized 1.064 kg of suspected Hydroponic Ganja at SGRDJI Airport, Amritsar, from the conscious possession of co-accused Aarti Kaur D/o Resham Singh, who was apprehended on the spot, pursuant to which NCB Crime No. 04/2026 dated 19.01.2026 under Sections 8, 20 and 23 of the NDPS Act, 1985 was registered. During investigation, the voluntary statement of co-accused



CRM-M-35595-2026

2

Aarti Kaur recorded under Section 67 of the NDPS Act revealed that she had been sent by Paraminder Singh and that her travel to Thailand for trafficking of Hydroponic Ganja had been facilitated by co-accused Rana Pratap Singh. On the basis of the recovery, disclosure statements and other incriminating material, Rana Pratap Singh was issued notice under Section 67 of the NDPS Act, whereupon he voluntarily disclosed his involvement in facilitating the transportation and trafficking of Hydroponic Ganja as part of an internationally operated and well-organized cartel functioning under the directions of kingpin Rishub Ahuja alias Rishi. Consequently, he was arrested on 20.01.2026 for offences punishable under Sections 8, 20, 23 and 29 of the NDPS Act, 1985. During interrogation, Rana Pratap Singh disclosed that Shammi Kumar had been associated with the trafficking cartel since August 2025. and had facilitated his travel to Thailand for the purpose of illegally importing narcotic drugs into India, including Hashish Oil. In his voluntary statement, Shammi Kumar admitted his role in facilitating the illicit trafficking and transportation of Hydroponic Ganja and further disclosed that he had arranged Rana Pratap Singh's travel to Thailand at the instance of co-accused Amarjit Singh, a Thailand-based cartel member operating under the directions of Rishub Ahuja alias Rishi, for which he received a commission of ₹10,000/-. Accordingly, Shammi Kumar was arrested on 21.01.2026 for offences punishable under Sections 8, 20, 23 and 29 of the NDPS Act, 1985. During further investigation, Rana Pratap Singh disclosed the involvement of accused Malkeet Singh S/o Mukhtar Singh, resident of Toun, Tehsil Baba Bakala, District Amritsar, with whom he had recruited persons and sent them to Thailand pursuant to a pre-planned criminal conspiracy for trafficking Hydroponic Ganja into India. It was revealed that Rana Pratap Singh had personally arranged and facilitated Malkeet Singh's travel to Thailand, where the main operator of the cartel, namely "Rishi", supplied Hydroponic Ganja for illegal trafficking into India, and that the said trafficking operation involving Malkeet Singh was successfully executed, thereby prima facie establishing his direct involvement in the procurement and transportation of contraband substances. Investigation further revealed that Malkeet Singh had developed close relations and coordination with "Rishi" and, after gaining his confidence, had himself started identifying, convincing and arranging other persons to act as couriers for trafficking Hydroponic Ganja from Thailand to India. In furtherance of the criminal conspiracy, Malkeet Singh, in active connivance and coordination with Rishi and Rana Pratap Singh, facilitated and sent multiple persons abroad for



CRM-M-35595-2026

3

trafficking Hydroponic Ganja into India. Financial transactions reflected in the bank accounts, including entries specifically described in the name of "Malkeet", prima facie indicate monetary dealings connected with the trafficking activities. The material collected during investigation clearly establishes that accused Malkeet Singh was not merely a passive participant but an active member, recruiter, courier and facilitator of the organized international drug trafficking cartel engaged in the procurement, transportation, facilitation and circulation of Hydroponic Ganja, thereby attracting offences punishable under Sections 8, 20, 23, 25, 27-A and 29 of the NDPS Act, 1985."

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner was neither named in the original complaint nor in the initial stages of investigation and his name has only surfaced subsequently on the basis of the disclosure statement made by a co-accused, which is inadmissible in evidence under law. It has been further contended that no recovery of any narcotic substance has been effected from the conscious possession of the petitioner. The prosecution has not produced any direct evidence to show that the petitioner was involved in the alleged trafficking, transportation, financing or procurement of contraband. It has been further contended that the entire case against the petitioner is based on suspicion and statements of co-accused persons who are attempting to shift the blame in order to save themselves from the criminal liability. Furthermore, the investigating agency has failed to place on record any independent material directly connecting the petitioner with the alleged international drug trafficking syndicate. Learned counsel has emphasized that the petitioner has been implicated merely on the basis of allegations made by co-accused persons



CRM-M-35595-2026

4

disclose any overt act attributable to the petitioner which would attract the stringent provisions of Sections 27-A and 29 of the NDPS Act. Learned counsel has further contended that the petitioner has clean antecedents and is not involved in any other criminal case. Nothing remains to be recovered from the petitioner and, therefore, his custodial interrogation would serve no useful purpose. According to learned counsel, the petitioner is ready and willing to join the investigation and, therefore, no useful purpose would be served by subjecting him to detention. On the strength of these submissions, the grant of anticipatory bail is prayed for.

4. *Per contra*, learned counsel appearing for the respondent – NCB has vehemently opposed the grant of anticipatory bail to the petitioner by submitting that the allegations against the petitioner are grave and serious in nature. According to learned counsel, the present case pertains to an organised international drug trafficking syndicate involved in the illegal procurement, transportation and import of Hydroponic Ganja from Thailand into India. It has been further submitted that during the course of investigation, substantial material has surfaced which indicate the active involvement of the petitioner in the criminal conspiracy. Furthermore, the petitioner has played a significant role in facilitating the trafficking operations. According to learned counsel, the role attributed to the petitioner is not based solely upon the disclosure statement of a co-accused but the investigation has also brought forth other corroborative material linking the petitioner with the activities of the organised syndicate which establishes a *prima facie* case against the petitioner. Learned Special Public Prosecutor has further contended that the investigation is still at a crucial stage and the



CRM-M-35595-2026

5

complete conspiracy, tracing the financial trail, identifying other associates involved in the racket and ascertaining the source of the contraband. Moreover, the offences alleged against the petitioner attract the rigours of Section 37 of the NDPS Act. Accordingly, it is prayed that the present petition be dismissed in the interest of justice.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the material brought on record, indubitably, serious allegations have been levelled against the petitioner in relation to the commission of offences under the NDPS Act. The material collected during the course of investigation *prima facie* reflects the existence of an organised drug trafficking syndicate and the prosecution has specifically attributed a role to the petitioner in facilitating and participating in the trafficking operations. The investigation further revealed that the petitioner has travelled to Thailand and has maintained links with persons allegedly involved in the narcotics trade. The disclosure statement(s) of co-accused persons are not the sole basis of the prosecution case as the investigating agency has also relied upon digital evidence, financial transactions and other incriminating material collected during the course of investigation. The allegations *prima facie* disclose active participation of the petitioner in the alleged conspiracy. It is pertinent to note that the present petitioner was not named in the FIR at the initial stage, and his name surfaced subsequently during the course of investigation on the basis of the disclosure statement of co-accused. Though the petitioner was not apprehended at the spot, the allegations against him pertain to criminal conspiracy under Section 29 of



CRM-M-35595-2026

6

contraband. The alleged involvement of the petitioner, though emerging at a subsequent stage, is supported by investigative material that lends corroboration to the prosecution version. In the considered view of this Court, the veracity of the disclosure statement and the extent of the involvement of the petitioner in the offence, are matters requiring thorough investigation, which can be effectively undertaken only through custodial interrogation. Such interrogation is essential to trace the origin, source, and network of the contraband. At this stage, no material has been placed on record to demonstrate that the petitioner is not connected with the offence and the possibility of recovery of further contraband and/or discovery of incriminating material cannot be ruled out.

7. The plea of the petitioner that the confessional statement of the co-accused is inadmissible is devoid of merit, at the stage of consideration of plea for grant of anticipatory bail as the Court is not required to meticulously evaluate the admissibility of evidence but only to examine whether *prima facie* material exists which connect the petitioner with the alleged offence. The investigation conducted thus far indicates the involvement of the petitioner in a well-organized network engaged in the illegal trade and distribution of psychotropic substances. The nature and gravity of the offence coupled with the material collected on record justify the necessity of custodial interrogation to unravel the larger conspiracy and to identify other potential co-conspirators. Having regard to the seriousness of the offence, the crucial stage of investigation, the possibility of tampering with evidence and the overarching public interest in curbing the menace of drug trafficking, this Court is of the considered view that the petitioner does



CRM-M-35595-2026

7

the serious nature of the allegations, the custodial interrogation of the petitioner may be indispensable for unearthing the broader conspiracy and identifying other potential accomplices whose identities may be within the exclusive knowledge or possession of the petitioner. The grant of anticipatory bail at this premature stage would, therefore, prejudice the ongoing investigation and may potentially result in tampering with evidence or influencing material witnesses.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also far reaching impact of such alleged iniquities on society. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under, relevant whereof reads as under:

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”



CRM-M-35595-2026

8

At this stage, there is no material on record to suggest that a *prima facie* case is not made out against the petitioner. On the contrary, the material collected during the course of investigation appears to establish a reasonable basis for the accusations levelled against him. In such circumstances, the grant of anticipatory bail at this stage would not be appropriate as it is likely to cause serious impediment to the ongoing and effective investigation.

9. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary to trace the source of supply of contraband & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 22, 2026
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No