



CRM-M-7848-2025 and CRM-M-15774-2025

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

1) **CRM-M-7848-2025 (O&M)**
Date of decision: 14.11.2025

MANJIT SINGH**...PETITIONER****VERSUS****UNION OF INDIA, NARCOTICS
CONTROL BUREAU, CHANDIGARH****...RESPONDENT****2)****CRM-M-15774-2025****BALJINDER SINGH****...PETITIONER****VERSUS****NCB AND ANR.****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Balram Prashar, Advocate
for the petitioner in CRM-M-7848-2025.

Mr. Akshay Chadha, Advocate
for the petitioner in CRM-M-15774-2025.

Mr. H.S.Sullar, Special Public Prosecutor with
Mr. Harneesh Kumar, Advocate
for the respondents- NCB in CRM-M-7848-2025.

Mr. Rajiv Sharma, Special Public Prosecutor with
Mr. Vinayak Atri, Advocate and
Ms. Indu Bala Sharma, Advocate
for the respondents-NCB in CRM-M-15774-2025.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner(s) have approached by way of filing the present petition praying for grant of regular bail in case bearing NCB Crime No.12 dated 06.06.2024 under Sections 8, 18, 23 and 29 of NDPS Act, registered at Police Station NCB Chandigarh Zonal Unit, Mohali.

2. Succinctly the facts of the case is that on 06.06.2024, the Intelligence was received regarding one Courier parcel bearing AWB No. 7157715224 lying

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at DHL Express Limited which has been booked by one Rahul Sharma. On receiving the secret information, the Investigating Agencies took action and reached the place from where the parcel was booked. A notice under Section 67 of NDPS Act was served upon one Mukesh Kumar, Manager of the said Eagle International Courier Services and his statement was recorded and he disclosed that the parcel was not booked by Rahul Sharma but by one Ajay Kumar. Thus, a notice under Section 67 of the NDPS Act was served on Ajay Kumar, who stated that he had not booked any such parcel and that he had been on duty on 03.06.2024. Thereafter, on 24.06.2024, the second disclosure of Mukesh Kumar was recorded who revealed the name of one Gurvir Singh. The Investigating Agencies recorded the statement of one Pradeep Kumar, the Manager of the said Punjab International Courier Services. During this whole process, total of two parcels were intercepted, and from one parcel, 1.245 kg of opium was recovered, while the second parcel yielded 1.955 kg of opium, amounting to a total recovery of 3.2 kg of opium from the two parcels. During investigation, co-accused, namely, Jaskaran @ Jassi was arrested on 30.06.2024, whose disclosure statement was recorded and the complicity of the petitioner surfaced at this stage. Thus, both the petitioners were arrayed as an accused in the present case and were arrested on 24.07.2024. On the completion of the investigation, challan stands presented, charges have been framed and trial had commenced. Petitioner(s) approached the Judge, Special Court, NDPS Act, Ludhiana for grant of bail. However, after hearing both the sides and finding no merit in the same, the Judge, Special Court, NDPS Act, Ludhiana declined the bail application vide order dated 28.10.2024/24.01.2025. Aggrieved by the same, petitioner(s) are before this Court praying for the grant of bail by way of filing

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3. Learned counsel for the petitioner(s) submit that petitioner(s) have been falsely implicated in the present case. They further submit that as per the case of the prosecution, the complaint has been filed on the basis of secret information but there is a violation of Section 42 of NDPS Act. They further submit that neither any recovery has been effected from the petitioner(s), nor they were named in the initial complaint; however, their names surfaced solely in the disclosure statement of a co-accused, which by itself is not admissible in evidence. They also submit that the petitioner(s) have no criminal antecedents and have never been involved in any other case. The petitioner(s) have been in custody for more than one year, and the prosecution has already examined half of its witnesses, leaving no likelihood of tampering with the ongoing trial. They have submitted that in the facts and circumstances, the petitioner(s) deserve to be granted regular bail.

4. Learned counsel for the respondent(s)-NCB has opposed the bail applications, contending that the petitioner(s) are part of a racket operating in coordination with one another. They submit that the investigation has revealed that the parcels were booked for sending them abroad under the directions of the petitioner(s). They further submit that the total contraband recovered i.e. 3.2 kg of opium which is a commercial quantity, thus attracting the rigours of Section 37 of the NDPS Act. They further submit that there are Call Detail Records (CDR) and bank transactions between the accused persons. Hence, they submit that the petitioner(s) do not deserve the concession of regular bail. On instructions, they further submit that out of 25 prosecution witnesses, 10 have been examined and 01 has been given up and custody certificates of the petitioner(s) are placed on record.

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it is deciphered that the present complaint has been filed by the NCB based on intelligence gathered during the investigation, which led to the recovery of 3.2 kg of opium from two different parcels. The names of the petitioner(s) surfaced during the investigation, based on the disclosure statement of a co-accused. Custody certificates produced would show that the petitioner(s) have completed incarceration of 01 year, 03 months and 15 days as on 13.11.2025 and petitioner(s) have clean and clear antecedents as they are not involved in any other case of similar nature. Out of 25 prosecution witnesses, 10 have been examined and 01 has been given up.

6. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx

21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public



interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. *There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.”*

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner(s) succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed. Petitioner(s) are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

14.11.2025
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(RAJESH BHARDWAJ)
JUDGE