



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

**CRM-M No.9841 of 2025 (O&M)
Date of decision: 20.05.2025**

Shishan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Kanwaljit Singh, Senior Advocate assisted by
Mr. Ankit Kumar Garg, Mr. Sangam Garg, Advocates
for the petitioner.

Mr. Deepender Singh, Additional Advocate General, Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

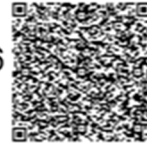
Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for grant of bail pending trial to the petitioner in FIR No.121 dated 07.08.2024 (P-1), under Sections 29 & 59(2) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act'); Section 111 of the Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') [Section 308(3) of BNS added later on], registered at Police Station Special Task Force, District Mohali.

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- (2) Custody Certificate dated 03.04.2025 of the petitioner has been produced and which is taken on record. Copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.
- (3) Allegations are that petitioner, being Drug Inspector and taking undue advantage of his posting, has created links with the drug peddlers by helping them in illegal selling of drugs and used to get his share as drug money from them. Further alleged that petitioner made several properties worth crores of rupees in his name as well as in the names of his family members and relatives. Also alleged that petitioner got opened dummy accounts/FDRs to hide the drug money.
- (4) Contends that petitioner is in custody since 11.09.2024 and there is no recovery of alleged contraband. Also contends that petitioner is not involved in any criminal activity; rather he performed duties with due diligence. Again contends that petitioner has been appointed as Drug Inspector under Section 21 of the Drugs and Cosmetics Act, 1940 and not under Section 7 of the NDPS Act; hence, he cannot be considered as an “Officer” for the purpose of Section 59(2) of the NDPS Act. Further contends that neither any complaint has been filed against the petitioner; nor any sanction has been obtained from the quarter concerned in compliance of Section 59(3) of the NDPS Act. Vehemently contends that allegation regarding acquiring large number of properties is without any basis in view of the fact that most of the properties have been defreezed by competent authority under Section 68F (2) of the NDPS Act vide order dated

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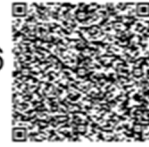
31.12.2024. Still further contends that actually petitioner conducted raids in the area of Abohar on certain Chemist Shops, whose owners are having political links in the State Government and due to that reason, he has been roped in the present FIR. Lastly contends that report under Section 193 of BNSS was presented on 14.11.2024 and charges are yet to be considered; thus, trial will take sufficient long time.

(5) Learned State Counsel, on instructions from quarter concerned, opposed the prayer on the premise that petitioner is the mastermind of entire crime and main beneficiary, who in connivance with peddlers indulged in the selling of intoxicant medicines and in return, used to get huge share as drug money. Also submitted that petitioner accumulated movable as well as immovable properties in his name as well as family members and relatives; but candidly acknowledged that in this case, no contraband has been recovered from anyone till date. Again submitted that petitioner through co-accused Tarsem Chand @ Dapi and Sunil Kumar @ Sonu used to have telephonic conversation on regular basis with the drug dealers, who are involved in criminal cases; including NDPS Act. Lastly submitted that petitioner, by misusing his official position, created links with drug peddlers; hence, he does not deserve the concession of bail.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) On repeated asking of the Court, learned State Counsel is not able to answer as to what offence under the NDPS Act would be made out

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against the petitioner when there is no recovery of contraband in this case from anyone.

(7.1) It is not in dispute that petitioner is in custody since 11.09.2024; report under Section 193 of BNSS was presented on 14.11.2024 and charges are yet to be considered; thus, trial will take sufficient long time.

(7.2) Concededly, no contraband has been recovered in the present case; thus, *prima facie*, it is very difficult to comprehend that any offence is made out against the petitioner under Section 29 of the NDPS Act.

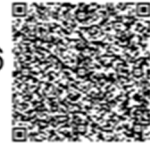
(7.3) Still further, petitioner has been appointed as Drug Inspector under Section 21 of the Drugs and Cosmetics Act, 1940 and not under Section 7 of the NDPS Act, as duly acknowledged in para 11 of short reply by way of affidavit dated 18.03.2025 of Sh. Rajesh Kumar, DSP, Anti Narcotics Task Force, Rupnagar Range; therefore, it is not conceivable as to how provisions of Section 29 of the NDPS Act would be invoked against him.

(7.4) Moreover, it is not the objection raised by learned State Counsel that in case petitioner is released on bail, he may influence the prosecution witnesses and/or hamper the fair trial.

(8) In view of the above, there is no justification to prolong the incarceration of petitioner any further.

(9) Consequently, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the

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satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(10) Petitioner shall fully co-operate with learned Special Court without seeking any unnecessary adjournments.

(11) The above observations be not construed as an expression of opinion on the merits of case.

(12) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

20th May, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>