



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

206

CRM-M-15354-2025

Date of decision: July 11th, 2025

Kala Singh

.....Petitioner

Versus

Central Bureau of Narcotics

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navkiran Singh, Advocate
with Ms. Simrandeep Singh, Advocate
for the petitioner.

Mr. Sourabh Goel, Special Public Prosecutor, NCB
with Ms. Geetika Sharma, Advocate.

MANJARI NEHRU KAUL, J.

The petitioner, through the instant petition (second), is seeking the concession of regular bail in Crime No.2/2022 dated 05.07.2022 under Sections 8, 21, 25, 27-A, 28, 29, 30 and 35 of The Narcotic Drugs and Psychotropic Substances Act, registered at Preventive and Intelligence Cell, Central Bureau of Narcotics, New Delhi, for his alleged involvement in the illegal trafficking and supply of Lomotil tablets containing Diphenoxylate. The allegations relate to the recovery of contraband in commercial quantity from co-accused Manoj Kumar.

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated and there is no direct recovery of contraband from him. While referring to the complaint annexed as Annexure P-1, which, it is submitted, does not name the petitioner initially. It is urged that the petitioner has been implicated solely on the

basis of a disclosure statement made by co-accused Manoj Kumar.

3. It has still further been submitted that disclosure statements recorded under Section 67 of The NDPS Act are devoid of evidentiary value, in view of the judgment rendered by the Hon'ble Supreme Court in ***Tofan Singh versus State of Tamil Nadu 2021 (4) SCC 1***. Learned counsel has also raised doubts regarding the admissibility and authenticity of the WhatsApp chats allegedly recovered from the mobile device of another co-accused, Mahesh Kumar, arguing that the same have not been duly certified as per Section 67B of The Indian Evidence Act, 1872.

4. Attention is also drawn to the fact that the petitioner has been in custody since 24.08.2023. It has been asserted that the supplementary complaint was filed on 28.11.2023, and of the 49 prosecution witnesses cited, only two have been examined so far. Considering there being no likelihood of the conclusion of the trial in the near future, it is argued that further incarceration of the petitioner would serve no useful purpose, particularly in light of his clean antecedents.

5. Lastly, the learned counsel for the petitioner seeks parity with co-accused Mahesh Kumar, who was earlier granted bail vide order dated 24.05.2023 annexed as (Annexure P-3).

6. *Per contra*, learned counsel for the NCB has vehemently opposed the prayer made by the counsel opposite for extending the concession of bail to the petitioner by contending that the case against the petitioner is backed by cogent and corroborative evidence collected during the course of investigation.

7. It has been argued by the standing counsel for NCB that the recovery made from co-accused Manoj Kumar is 53.095 kilograms of narcotics drugs, which includes 2 kilograms of narcotic powder, 45.855 kilograms of another narcotic substance, 7.240 kilograms of loose Lomotil tablets, and 19000 tablets of Nimesulide, all of which fall under the category of “**commercial quantity**” under The NDPS Act.

8. Learned counsel has further submitted that following the arrest of co-accused Mahesh Kumar, investigation revealed that mobile phones recovered from him contained crucial digital evidence. Forensic examination of these devices yielded WhatsApp chats, which allegedly revealed extensive communication with the present petitioner. These chats included photographs of Lomotil tablets, discussions regarding stocks and supplies, coordination of logistics, and conversations related to financial transactions.

9. Learned counsel has also asserted that the petitioner is the mastermind being the primary supplier and central link in the distribution chain of the entire operation. Additional materials such as banking transaction records, images of cash deposit slips, and financial exchanges, retrieved from the devices of co-accused, as per the learned counsel establish a clear and consistent money trail linking the petitioner with the illegal drug network.

10. With respect to the plea of parity with co-accused Mahesh Kumar, it has been contended by the learned counsel for NCB that co-accused Mahesh Kumar was found to be a receiver/possessor of contraband, whereas the petitioner is alleged to be the originator and supplier. The roles are, therefore, materially distinct and do not warrant the grant of bail to the petitioner much less on the principle of parity.

11. I have heard learned counsel for the parties and perused the relevant material on record.

12. The petitioner is alleged to be the primary source of supply in a drug trafficking network involving commercial quantity of narcotic substances. The recovery from co-accused Manoj Kumar, totalling over 53 kilograms of narcotic substance, clearly falls within the definition of commercial quantity under The NDPS Act. Further, the investigation has allegedly revealed extensive and incriminating digital communication between the petitioner and co-accused Mahesh Kumar. The WhatsApp chats, which included discussions on delivery, payments, and visual confirmations of tablets, are said to be supported by financial records, including cash deposit slips and other monetary exchanges *prima facie* pointing to a structured and ongoing conspiracy.

13. In view of the recovery being of commercial quantity, the bar under Section 37 of The NDPS Act is attracted. The Hon'ble Supreme Court in ***State by The Inspector of Police Versus B. Ramu, 2024 INSC 114***, has reiterated the settled position that bail in such cases must not be granted routinely and only after the twin conditions are satisfied- that there are reasonable grounds for believing that the accused is not guilty, and that he is not likely to commit any offence while on bail.

14. On careful scrutiny of the available material, this Court is unable to arrive at the requisite level of satisfaction qua the same. Rather, the evidence, though subject to proof at trial, *prima facie* indicates the active involvement of the petitioner.

15. While the petitioner has been in custody since August 2023, the delay in trial cannot override the gravity of the offence

and the bar under Section 37 of The NDPS Act, particularly when the material available indicates his active involvement in a drug cartel.

16. In view of the nature and gravity of the offence, the commercial quantity of the recovered contraband, and the incriminating material, which *prima facie* links the petitioner with the recovered contraband and the broader conspiracy, this Court does not deem it fit to extend the concession of bail to the petitioner.

17. Accordingly, the instant petition stands dismissed.

18. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 11th, 2025

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No