



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-24865-2024

Date of decision: 03.09.2025

Gursimran Singh

.....Petitioner

Versus

Union of India through Intelligence Officer, Narcotic Control Bureau,
Amritsar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Tajeshwar Singh Sullar, Central Govt. Counsel
for the respondent-Union of India (NCB).

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in NCB Crime No.3 dated 31.01.2024 under Sections 21, 22, 23, 25, 27-A, 29 and 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 8 of the NDPS Act and Section 25/54/59 of the Arms Act, 1959 added lateron) registered at Police Station NCB Amritsar, District Amritsar.

2. Vide order dated 17.03.2025, a Coordinate Bench of this Court has extended the concession of interim bail to the petitioner in the following terms:

“Custody certificate dated 14.03.2025 qua petitioner has been produced by learned State counsel, which is taken on record. Registry to do the needful.

Contents that as per paragraph 9 of the complaint, the Narcotics Control Bureau (for short 'NCB') team apprehended the petitioner while receiving alleged three



packets of contraband from Darshan Singh; but there is no material available with the NCB to substantiate this factual aspect of the matter.

Faced with the above predicament, learned counsel for respondent seeks time to have further instructions.

Posted for 21.05.2025.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned Special Court/CJM/Duty Magistrate concerned.”

3. Learned Special Public Prosecutor appearing for NCB has been heard at length. The record of the case as well as the custody certificate of the petitioner has also been duly perused.

4. At the very outset, it is pertinent to note that the learned Special Public Prosecutor for the NCB has not been able to dispute the fact that there is no corroborative material collected during investigation to substantiate the allegation that the petitioner had received three packets of contraband from co-accused Darshan Singh.

5. The learned Special Public Prosecutor has further not been able to controvert that none of the recovery or seizure memos pertaining to the contraband allegedly recovered during the operation bear the signatures of the petitioner. On being specifically queried, it has been fairly considered, on instructions, that although no recovery memo qua the seized contraband is signed by the petitioner, the recovery of the scooty on which the petitioner had allegedly come to the spot, as also an amount of Rs.68,500/- alleged to be drug money, is part of the challan filed against him.



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6. On a further query, learned Special Public Prosecutor, on instructions, has submitted that out of the 11 prosecution witnesses cited in the challan, only 01 witness has been examined so far. The custody certificate placed on record by the learned Special Public Prosecutor reflects that the petitioner was arrested on 03.02.2024.

7. As per the case of the prosecution, secret information was received regarding the involvement of co-accused Darshan Singh, Vijaypal Singh and Dhoni Singh, who were apprehended along with nine packets of intoxicant substance weighing 4.369 kgs of heroin, besides recovery of firearms and ammunition. Significantly, the case of the prosecution is that the petitioner was also present at the spot with the aforesaid co-accused. However, it is an admitted position that none of the recovery or seizure memos relating to the contraband bear his signatures. Further, no recovery of any contraband was, as per admitted case of the NCB, was made from the petitioner. Curiously, the memos pertaining to the recovery of the vehicle and the alleged drug money, however, do bear his signatures.

8. The custody certificate of the petitioner further demonstrates that he has not been shown to be involved in any other criminal case, much less under the NDPS Act.

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

10. In the considered view of this Court, at this stage, the material placed on record does not *prima facie* disclose any cogent or corroborative evidence directly linking the petitioner to the recovery of



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the contraband in question. The absence of recovery/seizure memos bearing the signatures of the petitioner in relation to the seized contraband substantially weakens the case of the prosecution against him at this stage.

11. The case of the prosecution, though alleging that the petitioner was present with the co-accused when the recovery of contraband was effected, is not supported by any contemporaneous documentary material qua the contraband, which would justify his further incarceration.

12. It is also relevant to note that the petitioner has been in custody since 03.02.2024 and the trial has hardly progressed inasmuch as only 01 out of 11 prosecution witnesses has been examined so far. The likelihood of an early conclusion of trial, therefore, appears remote.

13. The custody certificate further shows that the petitioner has no previous criminal antecedents much less any previous involvement under the NDPS Act.

14. In the totality of the facts and circumstances as enumerated hereinabove, and without expressing any opinion on the merits of the case, the instant petition is allowed and interim order dated 17.03.2025 is made absolute subject to furnishing of fresh bail/surety bonds by the petitioner to the satisfaction of Special Court/Chief Judicial Magistrate/Duty Magistrate. The learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned may impose any such stringent condition as it deems fit so as to ensure the presence of the petitioner on each and every date of hearing.



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15. 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.

16. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

03.09.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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