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

**CRM-M No.24978 of 2025
Date of Decision: 28.08.2025**

Kashmir Singh**.....Petitioner****versus****Union of India****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Raj Kumar Gupta, Advocate;
Mr. Vikas Dahiya, Advocate and
Mr. Saksham Dudeja, Advocate
for the petitioner.

Ms. Samridhi Jain, Advocate
for the respondent-UOI through NCB.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing Crime No.2/2025, dated 16.01.2025, under Sections 8, 18, 23 of NDPS Act, 1985, registered at Police Station Narcotics Control Bureau, Chandigarh.

2. Succinctly the facts of the case are that on 16.01.2025, at about 08:00, an information was received from Amar Shankar Intelligence officer, NCB, Chandigarh to the effect that he suspected parcel having detail awb No.47686447240, shipment date 13.01.2025, line at DHL 55, GT road Dhandari Khurd, Ludhiana. On receiving the information, the same was reduced into writing. It was found that one courier parcel was



booked by Ankit Kapoor son of Vijay Kapoor. On 16.01.2025, some persons in civil uniform came to the office, who introduced them as the Inspector NCB. The officials of the courier services were informed and the courier packet as informed was searched. On conducting the search, 524 grams of Opium was found in the same. As the same was in violation of the provisions of NDPS Act, the FIR was registered and the investigation commenced. During the investigation, the investigating agencies found the involvement of a motorcycle and the ownership of the same was verified. The petitioner was found to be the owner of the motorcycle and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 17.01.2025. The petitioner approached the Court of learned Judge, Special Court, Ludhiana praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ludhiana declined the bail application filed by the petitioner vide order dated 26.03.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been roped in the present case without there being any involvement of the petitioner. He has submitted that the packet, from which the contraband weighing 524 grams of Opium, has been allegedly recovered, the petitioner has no relation with the same. He has submitted that even otherwise the recovery effected is a non commercial quantity for which the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner is a senior citizen. He has submitted that the petitioner has no criminal antecedents as he has never been involved in



any other case. He has submitted that the petitioner is behind bars since 17.01.2025. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that from the CDR and the ownership of the motorcycle, complicity of the petitioner was established during the investigation. She has submitted that the investigation is complete and charges have been framed. She, however has submitted that out of total 13 prosecution witnesses, no witness has been examined. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, i.e. 17.01.2025. Name of the petitioner surfaced during the investigation. Custody certificate produced would show that the petitioner has completed incarceration of 07 months and 05 days as on 27.08.2025. It further reflects that the petitioner is not involved in any other case. Out of 13 prosecution witnesses, no witness has been examined so far. Investigation is complete and charges have been framed. Admittedly the contraband recovered is 524 grams of Opium, which is a non commercial quantity.

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 succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his 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.

28.08.2025

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Whether speaking/reasoned
Whether reportable

(**RAJESH BHARDWAJ**)
JUDGE

: Yes/No
: Yes/No