



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114+225

CRM-M-33588-2024 (O&M)
Date of Decision:-16.10.2025

1.

Harpreet Singh @ Prabh

.....Petitioner

Versus

Union of India

.....Respondent

2.

CRM-M-49687-2024 (O&M)

Sukhwinder Singh @ Sukha

.....Petitioner

Versus

State of Punjab and another

.....Respondents

3.

CRM-M-38107-2025 (O&M)

Dilbagh Singh @ Simu

.....Petitioner

Versus

Union of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. L.M. Gulati, Advocate for the petitioner
in CRM-M-33588-2024.

Mr. Umesh Aggarwal, Advocate for the petitioner
in CRM-M-49687-2024..

Mr. Raghav Soni, Advocate for the petitioner
in CRM-M-38107-2025



Mr. Rajiv Sharma, Special Public Prosecutor, for
respondent-NCB.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ J.(Oral)

1. The abovementioned petitions shall dispose of by this common order as they arise out of same FIR.

2. Petitioners have approached by way of filing the present petitions praying for grant of regular bail in case FIR No.05 dated 24.12.2023 under Sections 8/21/23 and 29 of NDPS Act, registered at Police Station NCB, Amritsar.

3. Succinctly, facts of the case are that on 24.12.2023, the BSF Khasa, Amritsar received a secret information by Balwant Rai, Inspector, NCB, Amritsar from Mr. Satish Dahiya, DC (G) BSF, Khasa, Amritsar that troops of BSF have recovered 01 packet of suspected Narcotic contraband which had been dropped by a drone alongwith three person. On 24.12.2023 at about 1615 hours the NCB team reached at BOP Pulmoran, 22 BN BSF, Amritsar. Sh. Balwant Rai, Inspector, introduced himself and his team by showing the identity cards to HC Trilok Singh Bist and Ct. Kamal Singh. Thereafter he informed that he got the information that troops of BOP-Pulmoran, 22 BN BSF, Amritsar, have apprehended three persons (Indian Nationals) and recovered one packet of Narcotic substance from their possession. They failed to produce any licence regarding the same and were thus arrested on the spot. The packet, upon weighing, was found to contain 0.485 kg



of heroin. On receiving, the FLS report, the challan was presented and on framing of charges the trial commenced. The petitioners approached the Court of learned Judge, Special Court, Amritsar, praying for grant of regular bail. However, after hearing both the sides, the learned Judge, Special Court, Amritsar, finding no merit in the same, dismissed the bail applications filed by the petitioners vide orders dated 02.07.2024 and 29.05.2025. Hence, the petitioners have now approached this Court seeking the grant of regular bail by filing the present petitions.

4. It has been submitted by the learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. They submit that, as per the schedule of the NDPS Act, the commercial quantity of heroin is 250 grams, whereas the alleged recovery from all three petitioners was 485 grams. It is submitted that there is a violation of Section 50 of the NDPS Act. To buttress their arguments, the learned counsel for the petitioners submits that the petitioners have never been involved in any other case of a similar nature to date, thus, the false implication of the petitioners is writ large. They submit that the petitioners have faced incarceration for almost two years but there is no substantial progress in the trial, and as such, their rights are equally defeated. They thus submit that, in the facts and circumstances of the case, the petitioners deserve the concession of regular bail.

5. Per contra, learned counsel for NCB has vehemently opposed the submissions made by counsel for the petitioners. He submits that there was a specific information regarding the contraband



recovered from the petitioners and the same was recovered by the BSF. The petitioners were found to be in contact with smugglers across the border and their complicity was duly established. He submits that the quantity of contraband allegedly recovered is of commercial quantity and as such provisions of Section 37 of the NDPS Act are attracted. That as per the NCB, the complicity of the petitioners has been established. He thus submits that no case for the grant of bail to the petitioners is made out. On instructions, he submits that out of a total of 11 prosecution witnesses, 3 have been examined and 1 has been given up so far.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioners are behind bars since 24.12.2023. As submitted before this Court out of total 11 prosecution witnesses, 03 witnesses have been examined and one has been given. Custody certificates of the petitioners would show that the petitioners have suffered incarceration of 01 year, 09 months & 17 days as on 15.10.2025. It further reveals that the petitioners have no criminal antecedents.

7. 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.

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21it 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.

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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.'

8. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioners succeeds in making out a case for grant of regular bail to the petitioners. Accordingly, all the three petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.



9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

16.10.2025

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