

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33745-2025
Reserved on: 11.09.2025
Pronounced on: 30.09.2025

Bhadur Singh @ Bahadar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Sekhon, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
51	19.09.2024	Bakshiwala, Distt. Patiala	15, 18, 20, 21, 22, 27, 29 of NDPS Act and Sections 105, 61(2) of BNS, 2023.

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 11 of the bail petition and 15 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	50	20.07.2020	20-A, 61, 85 of NDPS Act	Bakshiwala, Distt. Patiala
2.	173	05.07.2023	20, 29, 61, 85 of NDPS Act	City Sunam, Distt. Sangrur

3. The facts and allegations are taken from the status report dated 01.09.2025 which reads as follows:-

“4. That the brief facts of the case are that above noted case FIR No.51 dated 19.09.2024 under sections 105, 61(2) of BNS, 2023 and under sections 15, 18, 20, 21, 22, 27, 29, NDPS Act, 1985 at Police Station Bakshiwala, District Patiala was registered against the present petitioner as well as against Beant Kaur wife of Vikram Singh, Kulwant Singh @ Pappu son of Gurmail Singh, Lachhman Singh @ Lachhu son of Mahinder Singh, Sarabjit Singh @ Jiti son of Lachhman Singh, Shinder Kaur wife of Bahadur of Singh, Amrik Singh son of Darshan Singh, Gurmeet Kaur wife of Amrik Singh, Jaswinder Kaur wife of Kartar Singh, Pardeep Singh son of Parkash Singh, Ajay Singh son of Amrik Singh, Boni Singh and unknown persons on the basis of an application No.12/5D/BKW dated 19.09.2024 moved by Parveen Kumar son of Balwinder Singh and other villagers of Village

Kalyan, District Patiala, in which they stated that the petitioner and others are openly selling deadly drugs such as Heroin, Smack, intoxicant tablets, injections, poppy husk, opium, Ganja, Sulfa etc. in the Village and the villagers have many times stopped them from selling the drugs in the village but they did not bother for the same. Due to selling drugs in the village by the petitioner and other persons, many families of the village have been ruined and most of the persons from younger to elder have become victim of the drug menace. The complainants further stated that owing to sale of drugs by these persons, young children of many mothers, many brothers and many fathers of individuals have died. Hence, the complainants prayed for taking legal action against these persons and to stop them from selling the drugs and to make the village drug free. On the basis of above said application, a detailed inquiry was conducted by SHO of Police Station Bakshiwala and a prima facie case under Sections 105, 61(2) of BNS, 15, 18, 20, 21, 22, 27, 29 of NDPS Act was made out and FIR was registered against the petitioner and others.”

4. It shall be relevant to refer to paragraph 7 of the status report dated 01.09.2025, reads as follows:

“7. That during the course of investigation, on 04.06.2025, the police party headed by ASI Suba Singh No.2091/PTL was conducting the investigation and when they reached near Bazigar Basti, Village Dadhera, then as per the secret information received by ASI Suba Singh, accused Lachhman Singh @ Lachhu son of Late Mahinder Singh was sitting under the shed of Anaj Mandi, Dadhera and when the police party reached there and conducted a raid, Lachhman Singh Lachhu was joined in the investigation and he made a disclosure statement that “I am waiting for customers while sitting at Anaj Mandi, Dadhera to sell the intoxicant tablets and I have kept the intoxicant tablets under the root of a tree situated on the bank of water drain in a hidden manner and I can get the same recovered on my demarcation as only I know about it. On the basis of above said disclosure statement under section 23(2) of BSA, accused Lachhman Singh @ Lachhu got recovered the intoxicant tablets from the above said place which were found in a black coloured plastic polythene and 87 intoxicant tablets were recovered, which were taken into police custody as per rules after following due procedure. Upon this, the accused Lachhman Singh @ Lachhu in the FIR as per rules after following due procedure. He was produced before the Ld. JMFC, Patiala alongwith case property and the Ld. Magistrate after checking the case property and found the seal to be intact and treated the entire intoxicant tablets as original drug sample for depositing the same with FSL, SAS Nagar. After that the medical examination of accused Lachhman Singh @ Lachhu was conducted at Mata Kaushalya Hospital, Patiala, wherein the dope test of the accused came positive for Morphine and Tramadol. However, the offence under section 27 of NDPS Act was already added in the FIR.”

5. Based on such confession before the police, the petitioner was arraigned as an accused. Apprehending arrest, he filed for anticipatory bail from the Sessions Court, which denied him bail. Feeling aggrieved, he has invoked the concurrent jurisdiction of this Court under S. 482 BNSS, 2023.

6. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

7. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

8. The State's counsel opposes bail and refers to the status report.

REASONING:

9. It would be appropriate to refer to paras 11, 12, 13, and 14 of the status report, which reads as follows:

"11. That in the present case, the recovery of 87 intoxicant tablets has been affected from Lachhman Singh @ Lachhu co-accused of the petitioner; however, the name of salt in the above said tablets could not be ascertained for want of report from FSL, SAS Nagar. However, as per the complaint of the villagers, the petitioner and other accused persons are indulged in drug menace as they are habitual of selling dangerous drugs like heroin, poppy husk, opium, Ganja, Sulfa, intoxicant tablets etc. endangering the lives of innocent people.

B. The evidence based on which the petitioner was arraigned as an accused.

12. That the present petitioner has been arraigned as an accused on the basis of the complaint given by the villagers of Village Kalyan that the petitioner and other accused persons are indulged in drug menace as they are habitual of selling dangerous drugs like heroin, poppy husk, opium, Ganja, Sulfa, intoxicant tablets etc. endangering the lives of innocent people.

C. The evidence against the petitioner:

13. That apart from the specific allegations made by the complainants in the complaint regarding the involvement of the petitioner in the crime, there are 4 other FIRs registered against the petitioner i.e., two FIRs under NDPS Act and two FIRs under Excise Act, which show that the petitioner is actively involved in illicit drug business.

D. The role of the petitioner

14. That the petitioner has committed a heinous crime as the petitioner has indulged in the illicit drug menace in the society and ruined the future of innocent youngsters by bringing the drugs among them. Therefore, the petitioner does not deserve any leniency from this Hon'ble Court and the present petition is liable to be dismissed."

10. As per report of FSL, the average weight of tablet is 370 mg, and it contains Tramadol. The total weight of 87 tablets will be 32.190 grams of tramadol.

11. Dealing in 32.190 grams of tramadol in contravention of the NDPS Act, 1985, constitutes an offense under the following provisions and notifications:

Substance Name	Tramadol
Quantity detained	32.19 Gram
Punishable U/s	S.22(b) of NDPS Act, 1985
Quantity type	Intermediate
Drug Quantity in % to upper limit of Intermediate	12.88%

Drug's Small & Commercial Qty. suggested by Committee report	
Notification No. & date	S.O. 1762 (E) dated 26.04.2018

<i>Specified as small & Commercial in S.2(viia) & 2(xxiii) NDPS Act, 1985</i>		
Notification No. & dated	S.O.1762(E)	4/26/2018
Sr. No.	238 ZH	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	Tramadol	
Other non-proprietary name	*****	
Chemical Name	*****	
Small Quantity	< 5 Gram	
Commercial Quantity	> 250 Gram	

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Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	S.O.1761(E) & S.O. 3448(E)	26-Apr-2018 & 26-Jul-2018

Sr. No.	110Y
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	Tramadol
Other non-proprietary name	*****

Chemical Name	*****
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12. Given this, the rigors of S. 37 of the NDPS Act do not apply in the present case.
13. Section 2 (vii-a) of the NDPS Act defines commercial quantity as greater than the quantity specified in the schedule. Section 2 (xxiii-a) defines a small quantity as a quantity less than the quantity specified in the table of the NDPS Act. The remaining quantity falls in an undefined category, generally called an intermediate quantity. All sections in the NDPS Act specify an offence and mention the minimum and maximum sentence, depending upon the quantity of the substance. The commercial quantity mandates a minimum sentence of ten years of imprisonment and a minimum fine of Rupees One hundred thousand, and bail is subject to the riders mandated in S. 37 of the NDPS Act. When the quantity is less than commercial, the restrictions of Section 37 of the NDPS Act will not attract, and the factors for bail become similar to the offence regular statutes.
14. It would be appropriate to refer to the evidence collected against the petitioner, which is taken from the status report, which reads as follows:
- “C. The evidence against the petitioner:
13. That apart from the specific allegations made by the complainants in the complaint regarding the involvement of the petitioner in the crime, there are 4 other FIRs registered against the petitioner i.e., two FIRs under NDPS Act and two FIRs under Excise Act, which show that the petitioner is actively involved in illicit drug business.”*
15. Thus, the evidence collected so far consists only of complaint of villagers. Such complaint can be proven subject to the mandatory restrictions.
16. Petitioner was named as drug supplier in complaint and nothing was recovered from him and recovery was effected from Lachhman Singh @ Lachhu.
17. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
18. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

19. The evidence collected might be prima facie sufficient to launch prosecution or even to frame the charges; however, it is insufficient for the purpose of bail.

20. Given the penal provisions invoked, the legal admissibility of evidence collected against the petition, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or pre-trial incarceration, subject to compliance with the terms and conditions mentioned in this order.

21. Given the above, without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for anticipatory bail.

22. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

23. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

24. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

25. The bail order is subject to the petitioner's complying with the following terms.

26. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and

² Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

27. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

28. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, detection squad and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from the uploading of this order on the official webpage of this Court and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided it is otherwise permissible under the concerned rules. Restricting firearms would instill confidence in society; it would also restrain the accused from influencing the witnesses and repeating the offense.

29. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

30. In *Md. Tajiur Rahaman v. The State of West Bengal*, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon'ble Supreme Court holds in Para 7, "It goes without saying that if

the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences.”

31. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

32. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

33. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

34. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

35. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

30.09.2025
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No.