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

CRM-M-43128-2025

Date of Decision: 18.11.2025

Vinod Kumar

..... Petitioner

Versus

Union of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Avtar S. Khinda, Legal Aid Counsel, for the petitioner.

Mr.Rajiv Sharma (Hisarwale), Special Public Prosecutor with
Mr.Vinayak Atri, Advocate, for NCB.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in Crime Case No.12 dated 06.06.2024 under Sections 8, 18, 23, 29 of NDPS Act, registered at Police Station NCB, Chandigarh Zonal Unit, Mohali.

2. Succinctly the facts of the case is that on 06.06.2024, the intelligence was received regarding one Courier parcel bearing AWB No. 7157715224 lying at DHL Express Limited which has been booked by one Rahul Sharma. On receiving the secret information, the Investigating Agencies took action and reached the place from where the parcel was booked. A notice under Section 67 of NDPS Act was served upon one Mukesh Kumar, Manager of the said Eagle International Courier Services and his statement was recorded and he disclosed that the parcel was not booked by Rahul Sharma but by one Ajay Kumar. Thus, a notice under Section 67 of the NDPS Act was served upon Ajay Kumar, who stated that he had not booked any such parcel and that he had been on duty on 03.06.2024. Thereafter, on 24.06.2024, the second disclosure of Mukesh Kumar was recorded who revealed the name of one Gurvir Singh. The

Investigating Agencies recorded the statement of one Pradeep Kumar, the



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Manager of the said Punjab International Courier Services. During this whole process, total of two parcels were intercepted, and from one parcel, 1.245 kg of opium was recovered, while the second parcel yielded 1.955 kg of opium, amounting to a total recovery of 3.2 kg of opium from the two parcels. During investigation, second parcel was found to be booked by the petitioner i.e. Vinod Kumar. Thus, the petitioner was arrayed as an accused in the present case and was arrested on 25.07.2024. On the completion of the investigation, challan presented and on framing of charges, trial commenced. Petitioner approached the Judge, Special Court, Ludhiana for grant of bail. However, after hearing both the sides and finding no merit in the same, learned Court declined the bail application vide order dated 11.02.2025. Hence, aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Manjit Singh and Baljinder Singh. He has drawn the attention of this Court to the order dated 14.11.2025, passed in **CRM-M-7848-2025**, whereby, co-accused Manjit Singh and Baljinder Singh have been granted regular bail by this Court. He submits that the petitioner is behind bars since 25.07.2024. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who have already been granted bail.

4. Per contra, learned counsel for NCB has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that during the investigation, it was revealed that out of two parcels, one parcel was booked by the petitioner for sending them abroad. He submits hat total



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contraband recovered in the present case is 3.2 kgs of opium, which falls under the commercial quantity and thus, provisions of Section 37 are attracted.

5. Learned State counsel has placed on record the custody certificate of the petitioner.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 25.07.2024. Co-accused, namely, Manjit Singh and Baljinder Singh are on bail and the case of the petitioner as stated is at par with them. As per the custody certificate of the petitioner, he has suffered an incarceration of 01 year, 03 months and 19 days as on 17.11.2025. It further reflects that the petitioner has 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. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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

18.11.2025
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No