



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

298

CRM-M-46790-2025 (O&M)
Date of Decision:- 04.12.2025

Baljit Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. A.P.S. Deol, Senior Advocate with
Mr. Karan Kalia, Advocate for the petitioner.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. The instant petition under Section 482 of BNSS, 2023 (438 of Cr.P.C.), has been filed for grant of anticipatory bail to the petitioner in case bearing FIR No.64 dated 06.03.2025 registered under Sections 1/22/29/59(2) of NDPS Act (Section 27-A of NDPS Act and Section 111 of BNS, 2023 added later on), at Police Station ANTF Wings, Hoshiarpur.
2. Brief facts of the case are that a quarrel took place in the premises of central Jail Hoshiarpur on 25.02.2025. Resultantly, FIR No.52 dated 27.2.2025 was registered under Sections 190 and 221 of BNS at Police Station City, Hoshiarpur, against 9 prisoners, at the instance of Assistant Superintendent, Central Jail, Hoshiarpur. A detailed inquiry was held and it was



CRM-M-46790-2025 (O&M) (2)

found that a racket of drug trafficking was operating in the jail, in which inmates as well as jail officials were involved, including the present petitioner. Allegation against the present petitioner is that one Sikander Singh, (inmate who used to work as assistant in the petitioner's office) and one VC Operator Nirvir Singh used to collect money after selling the contraband in jail, which could not have been possible without the active connivance of the petitioner.

3. Learned counsel for the petitioner contended that there is only disclosure statement of inmate namely Gurwinder @ Govinda regarding the involvement of the present petitioner in the present case, which is an inadmissible piece of evidence. He further contended that there is no independent evidence to corroborate the disclosure statement qua the petitioner's implicity in the present offence. Learned counsel contended that regarding the allegations of money, petitioner himself paid Rs.10,000/- to Nirvir Singh, and he has not received the same; he has taken approximately 88 actions under provisions of Punjab Jail Manuals against the inmates and also got registered some FIRs under NDPS Act. Thus, learned counsel prayed for grant of anticipatory bail to the petitioner.

4. On the other hand, learned State counsel opposed the prayer made by learned counsel for the petitioner by submitting that an inquiry was held initially in the incident regarding the fight between jail inmates, wherein it was found that a drug racket was being operated in the jail premises and some of the inmates namely, Sunder Michael, Sukhwinder @ Sukha, Jail Warder namely Sunder Singh, Warder Bagga Bhagat, Warder Keshav Bawa and VC operator Nirvir Singh were involved in the illegal activities with the



CRM-M-46790-2025 (O&M) (3)

connivance of the present petitioner. A detailed inquiry was held by IG Prison and it was found that there were illegal activities which were not possible without the connivance of the Jail Superintendent and six FIRs including the present one have been registered under NDPS Act against the inmates, who were lodged in jail at the time of registration of said FIRs, but indulged in the activities of drug trafficking outside the jail. Thus, he prayed for dismissal of the present anticipatory bail petition as petitioner is required for custodial interrogation to collect evidence for the success of prosecution case.

5. Heard.

6. This court is of the view that drug racket is being carried out from within the jail premises. Allegations against the present petitioner are serious in nature who is at helm of affairs of the jail functioning in day to day activities wherein such drug racket was going on. A fight, related to the drug money, took place in the jail premises qua which an FIR has also been lodged. Moreover, the disclosure statements of the co-accused *prima facie*, depicts the involvement of the present petitioner in drug syndicate which is active in the jail premises. Jail inmates are having access to drugs and are addicted to the drugs and substance abuse, which is implied from the fact that dope test, of some of the accused, was conducted after arrest which resulted in positive.

7. Keeping in view the facts and circumstances of the present case and as observed above, petitioner has been at the helm of affairs; jail warder were also involved in these activities in these activities, which were under the supervision of petitioner as superintendent of jail; for the purpose of thorough investigation and to collect evidence, custodial interrogation of the petitioner



CRM-M-46790-2025 (O&M) (4)

is required. Wherein custodial interrogation is required, accused is not entitle to relief of pre-arrest bail. The Hon'ble Supreme Court in case titled as '**CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806**' decided on 03.08.1997, has held as under:-

"....custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders."

8. Drug abuse is on high rise in India and various drug syndicates are active to such an extent that even jail premises are not left free from these evils . Hon'ble Supreme Court has also expressed concerns about the substance abuse/drug abuse in **Union of India vs. Namdeo Ashruba Nakade** arising out of **SLP (Crl) No.9792 of 2025**. Relevant paragraph of the same is reproduced hereunder:

"8 This Court is of the view that the issue of substance abuse has emerged as a global public health crisis in the twenty-first century, affecting every country worldwide, as drug trafficking and addiction



CRM-M-46790-2025 (O&M) (5)

have become pervasive. The United Nations Office on Drugs and Crime (UNODC) reported in its 2025 World Drug Report that "As at 2023, some 316 million people worldwide had used drugs in the past year, representing an increase over the past decade that outpaces population growth, which indicates a higher prevalence of drug use.

9. In India, there has been a concerning increase in drug abuse among the youth. Substance abuse not only affects individuals, families, and communities but also undermines various aspects of health including physical, social, political, cultural foundations, and mental well-being. (See: "Bhattacharya S, Menon GS, Garg S, Grover A, Saleem SM, Kushwaha P. The Lingering menace of drug abuse among the Indian youth - it's time for action. Indian J Community Med 2025;50:59-12, published on 17" April, 2025")

10. According to many news reports, India faces a clear dilemma between tackling the narcotics crisis systematically or sacrificing its most valuable resource i.e. its young people. The extent of menace of drug abuse has also been highlighted by this Court in the case of *Ankush Vipran Kapoor v. National Investigation Agency*, (2025) 5 SCC 155 wherein this Court has observed as under:

"9.1 The ills of drug abuse seem to be shadowing the length and breadth of our country with the Central and every State Government fighting against the menace of substance abuse. The debilitating impact of drug trade and drug abuse is an immediate and serious concern for India. As the globe grapples with the menace of escalating Substance Use Disorders ("SUD") and an ever accessible drug market, the consequences Leave a generational imprint on public health and even national security. Article 47 of the Constitution makes it a duty of the State to regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. The State has a responsibility to address the root causes of this predicament and develop effective intervention strategies to ensure that India's younger



CRM-M-46790-2025 (O&M) (6)

population, which is particularly vulnerable to substance abuse, is protected and saved from such menace. This is particularly because substance abuse is linked to social problems and can contribute to child maltreatment, spousal violence, and even property crime in a family."

9. Moreover, Honble Apex Court in **Anarul S.K. Vs. The State of West Bengal (SLP (Crl.) No.12621-2024)** has observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue.

10. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioners and the present petition stands dismissed.

11. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court on the merits of the case.

04.12.2025
Geeta/avin

(SUBHAS MEHLA)
JUDGE

Whether Speaking/reasoned:	Yes/No
Whether Reportable :	Ys/No.
Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No