



2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.54 dated 07.12.2023, under Sections 21 and 29 of NDPS Act, 1985 (Section 25 and 27-A of NDPS Act added later on), registered at Police Station State Special Operation Cell, Amritsar, District Intelligence Wing (CID) Amritsar.

3. Succinctly, facts of the case are that the police party while on patrolling on 07.12.2023, received a secret information to the effect that Gurlal Singh @ Lalli, Gurtej Singh and Karanbir Singh are involved in selling heroin and they have the links with the Pakistani smugglers and these people smuggle the heroin across the Border. Gurlal Singh receives large sized consignments of heroin from Pakistan through drone, and on yesterday night as well, he received a consignment. To deliver the same to some party, all the above-named persons are coming from Attari to village Ratan through Attari Bachhiwind Road. It was informed that if the barricading is laid, they could be arrested along with the contraband. On receiving the secret information, the police laid the barricading, three persons were found at the place as disclosed in the secret information. On asking, they disclosed their names as Gurlal Singh @ Lalli (petitioner in CRM-M-58137-2024), Gurtej Singh (petitioner in CRM-M-1279-2025) and Karanbir Singh (petitioner in CRM-M-60231-2025). They were suspected to be carrying some contraband. They were given the offer to be searched and on conducting the personal search of Gurlal Singh @ Lalli, 1 kg heroin was recovered from the pocket of his trouser. Similarly, from the pocket of trouser of Gurtej Singh, another 1 kg of heroin was recovered. No contraband was recovered from the possession of



Karanbir Singh. They failed to produce any licence regarding possession of the same and thus, on the registration of the FIR, all the three were arrested on the spot. The investigation commenced and samples taken were sent to FSL. On filing of challan, charges were framed and trial commenced. The petitioners Gurlal Singh @ Lalli, Gurtej Singh and Karanbir Singh approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide order dated 16.10.2024/05.11.2024/02.09.2025. Karanbir Singh (petitioner in CRM-M-60231-2025) earlier has approached this Court twice by way of filing CRM-M-40433-2024 and CRM-M-8378-2025, however, both petitions were dismissed vide orders dated 27.08.2024 and 19.02.2025 respectively. Hence, the petitioners have approached this Court by way of filing the present petitions.

4. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. It is submitted that FIR in the present case was registered on the basis of secret information, however, there is a violation of Section 42 of the NDPS Act. It is submitted that the alleged recoveries were effected in a public place, however, no independent witness has been joined. In the present case, it is alleged that recovery was effected during personal search of petitioners, however, there is violation of Section 50 of the NDPS Act as well. Learned counsel for the petitioners further contended that the petitioners have no criminal antecedents as they were not involved in any other criminal case. He further submitted



that the petitioners are behind the bars since 07.12.2023, however, there is no material progress in the trial. He submitted, thus, in the facts and circumstances of the case, the petitioners deserve to be granted regular bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He submits that petitioners have been specifically named in the secret information and were apprehended on spot and it is from their personal search, recovery of total 02 kgs of heroin was effected i.e. 1 kg each from the petitioners Gurlal Singh @ Lalli and Gurtej Singh, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. However, no recovery has been effected from Karanbir Singh. He, on instructions submits that 1 out of total 21 prosecution witnesses has been examined till date, and challan has been presented. He has placed on record the custody certificates of the petitioners.

6. On hearing counsel for the parties and perusing the record, FIR in question was registered on the basis of secret information. Total 02 kgs of heroin has been recovered i.e. 1 kg of heroin each from the personal search of the petitioners Gurlal Singh @ Lalli (petitioner in CRM-M-58137-2024) and Gurtej Singh (petitioner in CRM-M-1279-2025) and no recovery has been effected from Karanbir Singh (petitioner in CRM-M-60231-2025). Custody certificates of petitioners would show that Gurtej Singh and Karanbir Singh have suffered incarceration of 01 year, 11 months and 22 days as on 02.12.2025 while Gurlal Singh has suffered incarceration of 01 year, 11 months & 19 days as on 02.12.2025. It further reflects that they have no



criminal antecedents. Only 01 out of total 21 prosecution witnesses has been examined till date.

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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21.it 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.

22. xxxxx

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 succeed in making out a case for grant of regular bail to the petitioners.

9. Accordingly, the present 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.

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

03.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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