



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-60559-2024

Date of decision: May 08, 2025

SANDEEP SINGH @ CHATHA

...Petitioner

Versus

UNION OF INDIA THROUGH NARCOTICS CONTROL BUREAU,  
CHANDIGARH

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present: Mr. P.S. Ahluwalia, Advocate  
for the petitioner.Mr. Sourabh Goel, SPP, NCB with  
Ms. Samridhi Jain, Advocate  
for respondent-NCB.**MANJARI NEHRU KAUL, J.**

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in the case emanating from NCB Crime No.79 dated 15.11.2022 under Sections 8, 8-A, 18, 21, 23, 25, 27, 27-A, 27-B, 28, 29, 60 and 62 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station NCB, District Chandigarh.

2. Learned counsel for the petitioner has primarily contended that the petitioner has been falsely implicated and that he neither finds mention in the NCB complaint (Annexure P-1) nor was he present at the site when the raid was conducted. It is submitted that the petitioner was arrested on 09.12.2022 solely on the basis of disclosure statements recorded during the police custody of co-accused Akshay Chhabra (on 28.11.2022) and Ajay Kumar @ Gora Grover (on 03.12.2022), as reflected in the complaint under Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985.



3. Learned counsel for the petitioner, while referring to the chargesheet (Annexure P-4), has asserted that the petitioner is alleged to have played the role of a courier/transporter in the drug racket allegedly operated by co-accused Akshay Chhabra and Ajay Kumar @ Gora Grover. However, it is argued that the allegations are founded solely on disclosure statements made by the petitioner and co-accused while in police custody, which are inadmissible in law.

4. It is further argued by learned counsel for the petitioner that although the petitioner is accused of transporting *morphine* on multiple occasions to Afghani nationals namely Qari Hamidullah Yusufi and Md. Hakim Salimi, it is significant that upon their arrest on 20.12.2022, neither of them named the petitioner in their disclosure statements.

5. Learned counsel for the petitioner has also challenged the application of Section 37 of the NDPS Act to the present case, contending that the NCB has failed to bring forth any independent, cogent, or substantive material to implicate the petitioner beyond the said disclosure statements.

6. With respect to the allegation of possessing assets generated from the proceeds of the alleged offence under Section 21-C of the NDPS Act, learned counsel has submitted that despite detailed investigation and examination of the bank accounts of the petitioner, no incriminating transaction has surfaced. It is submitted that the allegations by the NCB of Rs.1.68 crores being credited into the account of the petitioner in installment from March 2017 to December 2022 contradicts its own case, as the

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chargesheet claims that the petitioner acquired properties with the proceeds of crime as of 15.11.2022. This, it is argued, reflects a manifest inconsistency in the narrative of the prosecution.

7. Learned counsel for the petitioner has also submitted that the only immovable property attributed to the petitioner is a shop, M/s Chatha Commission Agent, Shop No.19/C, Sabzi Mandi, Batala, Amritsar, valued at approximately Rs.5 lakhs, but the NCB has exaggerated its valuation to Rs.20,25,600/- without basis.

8. It is lastly contended by the learned counsel for the petitioner that the trial is at a nascent stage with only 10 out of 100 witnesses having been examined, and therefore, the petitioner is entitled to the concession of regular bail as he has now been in custody since 09.12.2022.

9. *Per contra*, learned Standing counsel for the NCB has vehemently opposed the prayer and submissions made by the counsel opposite, citing the grave and serious allegations levelled against the petitioner. It is submitted, on instructions as well as by drawing the attention of this Court to the status report of the Inspector, Office of Narcotics Control Bureau, Chandigarh Zonal Unit, dated 30.04.2025 filed on behalf of the respondent-NCB, that the petitioner is an integral and operational member of a highly organized, Pan-India drug cartel with transnational links, including supply chains extending to foreign nationals.

10. While drawing the attention of this Court to the complaint (Annexure P-1), learned Standing counsel has submitted that the petitioner is specifically alleged to have transported approximately 650 kgs of heroin and

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350 kgs of morphine on various occasions, earning approximately Rs.40,000/- per kg, indicating a large-scale, commercial operation. It is further submitted that the petitioner and his family members received cash deposits from multiple bank accounts across various cities of India, pointing to a wider network of illicit financial flows.

11. It is also argued by the learned Standing counsel for the NCB that the petitioner is not a first-time offender but has serious criminal antecedents, being involved in as many as 7 other criminal cases, including 2 cases under the NDPS Act, which is evident from the custody certificate of the petitioner filed in the Court today. It is contended that in light of his alleged role in a drug cartel with links to narcoterrorism, there exists a real and credible apprehension of the petitioner absconding during the trial, if released on bail.

12. Having considered the rival submissions and upon careful perusal of the record, this Court is of the considered view that the prayer for grant of regular bail made by the petitioner is wholly devoid of merit.

13. The allegations against the petitioner are not only serious but also specific and substantiated by material, which, at this stage, cannot be lightly brushed aside. The petitioner is alleged to be the principal courier and transporter in a drug syndicate, with operations spanning across India and purportedly supplying contraband to foreign nationals. The sheer magnitude of narcotics involved i.e. around 500 kgs of heroin, and the recurring nature of the transactions *prima facie* point to his active participation in a large-scale commercial trafficking operation.



14. This Court cannot also turn a blind eye to the antecedents of the petitioner, notably his involvement in 7 other criminal cases, including under the NDPS Act, which lends further credence to the claim made by the learned Standing counsel for the NCB regarding the petitioner's sustained and deliberate engagement in criminal activity.

15. As regard the argument regarding the inconsistencies in the complaint and the status report or alleged absence of direct recovery, it is settled law that such aspects require detailed examination during trial and cannot form the basis for grant of bail in cases involving grave offences under the NDPS Act, particularly in light of the rigors of Section 37 of the NDPS Act. The threshold for bail under Section 37(1)(b) of the NDPS Act mandates the Court to record a finding that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and he is not likely to commit any offence while on bail. However, no such satisfaction can be recorded in the present case at this stage.

16. Furthermore, the menace of drug trafficking, especially involving cartels with the transnational ramifications, constitutes a direct threat to the national fabric and internal security. The alleged links of the petitioner to a drug syndicate with connections to narcoterrorism aggravates the seriousness of the offence and militate strongly against any concession of bail at this stage.

17. In view of the above-discussed facts and circumstances, particularly the gravity of offence, the petitioner's *prima facie* involvement in a transnational drug syndicate, and his criminal antecedents, this Court is



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not inclined to extend the concession of regular bail to the petitioner.

18. Accordingly, the instant petition stands dismissed.

19. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**May 08, 2025**  
*Jaspreet Kaur*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*