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

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Karanbir Singh alias Karan

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 06.05.2026**Date of Uploading : 06.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. DPS Randhawa, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.121 dated 02.06.2025, registered for the offences punishable under Sections 21(c), 25 and 29 of the NDPS Act and Section 25 of the Arms Act at Police Station Lopoke, District Amritsar Rural.

2. The gravamen of the FIR in question reflects that ASI Sukhwinderjit Singh, alongwith a police team was on patrol duty near T-Point Dalle Ke Sahura Road, Police Station Lopoke, District Amritsar (Rural), in official vehicle. During patrolling, a secret informer informed that three persons namely Jodhbir Singh @ Kohli, Buta Singh @ Vishal and Karanbir Singh @ Karan (petitioner herein) were engaged in the illegal trade of Diacetylmorphine (Heroin) and illegal ammunition and were



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trolley from village Dalle *via* kacha Path to deliver the contraband. The police team immediately conducted a raid and apprehended the three suspects on the said route. After informing them of their legal rights under Section 50 of NDPS Act and upon their request, Sh. Inderjit Singh, DSP, Sub-Division Raja Sansi (Gazetted Officer) was called to the spot. In the presence of the said Gazetted officer, from the black bag of accused Jodhbir Singh, 1.5 kgs of Heroin was recovered, from accused Buta Singh, 540 grams of Heroin in a polythene bag was recovered and from accused Karanbir Singh (petitioner herein), one pistol (Made in Austria) was recovered from his undergarment. All the recoveries were sealed with seals “SS” and “IS”. The accused persons were arrested and the case property including the tractor and trolley was taken into police possession. Accordingly, the instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is a young man aged about 19 years and has been falsely implicated into the FIR in question as he has no connection whatsoever with the alleged recovery of narcotic substance. Learned counsel has further iterated that no contraband has been recovered from the conscious possession of the petitioner and the entire recovery of commercial quantity of heroin has been effected from the co-accused & only a pistol without any ammunition has allegedly been recovered. It has been further submitted that no independent witness was joined at the time of alleged recovery which creates a serious doubt about the credibility of the investigation. Furthermore, the entire case rests upon official witnesses which make the prosecution story highly doubtful. It has been further contended that the



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petitioner has been in custody since 02.06.2025, the investigation is complete and challan has already been presented. The trial is likely to take considerable time to conclude and in such circumstances, the continued incarceration would serve no useful purpose. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the instant case involves recovery of commercial quantity of contraband thereby attracting the stringent provisions of Section 37 of the NDPS Act. According to learned State counsel, 01 kg 500 grams of heroin has been recovered from co-accused namely Jodhbir Singh @ Kohali and 540 grams from co-accused Buta Singh @ Vishal, which clearly falls within the category of commercial quantity and the petitioner was apprehended at the spot alongwith them on the basis of credible secret information. Learned State counsel has emphasized that the presence of the petitioner at the spot alongwith co-accused, who were found in possession of huge quantity of heroin coupled with the recovery of illegal firearm (Glock pistol) from him *prima facie* establishes his active participation in the illegal trade and attracts the provisions of Section 29 of the NDPS Act. Given the nature and gravity of offence, the petitioner does not satisfy the twin conditions laid down under Section 37 of the NDPS Act as there are no reasonable grounds to believe that he is not guilty of the offence or is unlikely to commit a similar offence while on bail. Learned State counsel seeks to place on record custody certificate dated 04.05.2026 in Court today, which is taken on record. As per the said custody, the petitioner has suffered incarceration of 10 months



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and 25 days. In view of the nature of the allegations, learned State counsel has prayed for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. Before delving further into the merits of the case, it would be apposite to refer herein to the following case-law(s) germane to the matter in issue:

(i) The Hon'ble Supreme Court in the case of ***Union of India versus Namdeo Ashruba Nakade, Special Leave to Appeal (Crl.) No.9792/2025***, has held as under:

“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 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:S9-12, published on 17th 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 Page 75 of 84 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 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."

11. *In the present case, this Court finds that though the Respondent-accused was in custody for one year four months and charges have not been framed, yet the allegations are serious inasmuch as not only is the recovery much in excess of the commercial quantity but the Respondent-accused allegedly got the cavities ingeniously fabricated below the trailer to conceal the contraband.*

12. *Prima facie this Court is of the opinion that the Respondent-accused is involved in drug trafficking in an organized manner. Consequently, no case for dispensing with mandatory requirement of Section 37 of the NDPS Act is made out in the present matter.*

13. *Moreover, this Court is of the view that as the accused has been charged with offences punishable with ten to twenty years rigorous imprisonment, it cannot be said that the Respondent has been incarcerated for an unreasonably long time."*

ii) Further, the Hon'ble Supreme Court in the case of ***Union of India versus Vigin K. Varghese, Special Leave Petition (Crl.) No(s).7768 of 2025***, has held as under:

"15. At this stage, two features stand out. The High Court's conclusion that there is no material to show that the applicant had any knowledge of the cocaine in the consignment has been arrived at without discussion of the statements of the respondent and circumstances relied upon by the prosecution, including the assertion that the respondent had placed the orders for import, controlled the logistics chain, coordinated with the overseas supplier, and was present when the consignment was opened. The High Court has not examined whether those circumstances, taken at face value for the limited purpose of bail, could prima facie indicate conscious control or involvement sufficient to attract the presumption of culpable mental state indicated under Section 35 of the NDPS Act.

16. *Further, while granting bail, the High Court recorded that there were no antecedents against the applicant. The material before this Court includes the Union's assertion that the respondent had already been apprehended in connection with an earlier seizure of approximately 198.1 kilograms of Methamphetamine and 9.035 kilograms of Cocaine allegedly imported through the same channel only days before the present*



seizure. That assertion is neither noticed nor answered in the impugned orders.

17. The High Court then, on the strength of those premises, recorded a finding that there exist reasonable grounds to believe that the applicant is not guilty of the alleged offence, treating prolonged incarceration and likely delay as the justification for bail. Such a finding is not a casual observation. It is the statutory threshold under Section 37(1)(b)(ii) which would disentitle the discretionary relief and grant of bail must necessarily rest on careful appraisal of the material available. A conclusion of this nature, if returned without addressing the prosecution's assertions of operative control and antecedent involvement, risks trenching upon appreciation of evidence which would be in the domain of trial court at first instance."

iii) This Court in the case of ***Jaswinder Singh alias Kala versus State of Punjab***, passed in ***CRM-M-33729-2025 (2025:PHHC:089161)*** = ***2025 SCC OnLine P&H4537***; after relying upon the *ratio decidendi* of the judgments of the Hon'ble Supreme Court in *Union of India vs. Thamisharasi & Ors*, 1995(4) SCC 190, *Customs, New Delhi vs. Ahmadalieva Nodira*, 2004 (3) SCC 549, *Union of India vs. Shri Shiv Shanker Kesari*, 2007(4) RCR(Criminal) 186, *Satpal Singh vs. State of Punjab*, 2018 (13) SCC 813, *Narcotics Control Bureau vs. Mohit Aggarwal*, 2022 LiveLaw (SC) 613, *Mohd. Muslim @ Hussain vs. State (NCT of Delhi)* 2023 LiveLaw (SC) 260, *Narcotics Control Bureau vs. Kashif*, 2024 INSC 1045, *Usmanbhai Dawoodbhai Memon vs. State of Gujarat*, 1988(1) RCR(Criminal) 540, *Ranjitsing Brahmajeetsing Sharma vs. State of Maharashtra & Anr.* 2005(5) SCC 294, *Central Bureau of Investigation vs. Vs. Vijay Sai Reddy*, 2013(3) RCR (Criminal) 252, *Municipal Corporation of Delhi vs. M/s Jagan Nath Ashok Kumar and another*, 1987(4) SCC 497, *Gujarat Water Supply and Sewerage Board vs. Unique Erectors (Gujarat) (P) Ltd., and another*, 1987(1) SCC 532, *Collector and others vs. P. Mangamma and others*, 2003(4) SCC 488,



30, Management of Advance Insurance Co. Ltd. Vs. Shri Gurudasmal and others 1970(1) SCC 633, Tinsukhia Electric Supply Co. Ltd. Vs. State of Assam, 1989(3) SCC 709 and Commissioner of Income Tax vs. Hindustan Bulk Carriers, 2003(3) SCC 57; has held, thus:

- “14. As a sequitur to above-said rumination, the following postulates emerge:*
- (I) (i) A bail plea on merits; in respect of an FIR under NDPS Act of 1985 involving offence(s) under Section 19 or Section 24 or Section 27-A thereof and for offence(s) involving commercial quantity; is essentially required to meet with the rigour(s) of Section 37 of NDPS Act.*
- (ii) The rigour(s) of Section 37 of NDPS Act do not apply to a bail plea(s) on medical ground(s), interim bail on account of any exigency including the reason of demise of a close family relative etc.*
- (iii) The rigour(s) of Section 37 of NDPS Act pale into oblivion when bail is sought for on account of long incarceration in view of Article 21 of the Constitution of India i.e. where the bail-applicant has suffered long under-trial custody, the trial is procrastinating and folly thereof is not attributable to such bail-applicant.*
- II. The twin conditions contained in Section 37(1)(b) of NDPS Act are in addition to the conditions/parameters contained in Cr.P.C./BNSS or any other applicable extant law.*
- III. The twin conditions contained in Section 37(1)(b) of NDPS Act are cumulative in nature and not alternative i.e. both the conditions are required to be satisfied for a bail-plea to be successful.*
- IV. For consideration by bail Court of the condition stipulated in Section 37(1)(b)(i) of NDPS Act i.e. “there are reasonable grounds for believing that he is not guilty of such offence”:*
- (i) The bail Court ought to sift through all relevant material, including case-dairy, exclusively for the limited purpose of adjudicating such bail plea.*
- (ii) Such consideration, concerning the assessment of guilt or innocence, should not mirror the same degree of scrutiny required for an acquittal of the accused at the final adjudication & culmination of trial.*
- (iii) Plea(s) of defence by applicant-accused, if any, including material/documents in support thereof, may be looked into by the bail-Court while adjudicating such bail plea.*
- V. For consideration of the condition stipulated in Section 37(1)(b)(ii) i.e. ‘he is not likely to commit any offence while on bail’:*



(i) *The word 'likely' ought to be interpreted as requiring a demonstrable and substantial probability of re-offending by the bail-applicant, rather than a mere theoretical one, as no Court can predict future conduct of the bail-applicant.*

(ii) *The entire factual matrix of a given case including the antecedents of the bail-applicant, role ascribed to him, and the nature of offence are required to be delved into. However, the involvement of bail-applicant in another NDPS/other offence cannot ipso facto result in the conclusion of his propensity for committing offence in the future.*

(iii) *The bail-Court may, at the time of granting bail, impose upon the applicant-accused a condition that he would submit, at such regular time period/interval as may stipulated by the Court granting bail, an affidavit before concerned Special Judge of NDPS Court/Illaq (Jurisdictional) Judicial Magistrate/concerned Police Station, to the effect that he has not been involved in commission of any offence after being released on bail. In the facts of a given case, imposition of such condition may be considered to be sufficient for satisfaction of condition enumerated in Section 37(1)(b)(ii).*

VI. *There is no gainsaying that the nature, mode and extent of exercise of power by a Court; while satisfying itself regarding the conditions stipulated in Section 37 of NDPS Act; shall depend upon the judicial discretion exercised by such Court in the facts and circumstances of a given case. No exhaustive guidelines can possibly be laid down as to what would constitute parameters for satisfaction of requirement under Section 37 (ibid) as every case has its own unique facts/circumstances. Making such an attempt is nothing but a utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such matter."*

7. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses.



Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*



- a. *The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. *Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. *Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**)*

This Court also in specific terms held that :

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

*In **Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143**, this Court observed :*

"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation."

8. Indubitably, the petitioner and the co-accused were found together at the same place and time. At the outset, it is to be noted that



commercial quantity of heroin has been recovered in the present case. The petitioner has been apprehended at the spot alongwith co-accused persons pursuant to prior secret information. Though no narcotic substance has been recovered from the petitioner but the material on record *prima facie* reflects that he was accompanying the co-accused who were found in conscious possession of the commercial quantity of heroin. The recovery of a firearm i.e. a Glock pistol, from the petitioner cannot be brushed aside and lends credence to the allegation of the prosecution of a larger criminal conspiracy. At this stage, the allegations indicate that the petitioner was an active participant in the alleged offence. At the stage of consideration of plea for grant of regular bail, the Court is not expected to conduct a detailed examination of evidence. The material collected by the investigating agency, including the secret information and the recovery, *prima facie* suggests that the petitioner was involved of guilty of offence under the NDPS Act. In order to grant bail, the Court must be satisfied that there are reasonable grounds to believe that the accused is not guilty of the offence and that he is not likely to commit any offence while on bail. From the material available on record, the allegations against the petitioner point toward his active participation in a serious and well-organized criminal network.

9. As regards the plea of prolonged incarceration, nothing has been brought forward before this Court to form an opinion that the statutory embargo contained in Section 37 of the NDPS Act would not be applicable to the instant case. It would be apposite to refer herein to the judgment passed by the Hon'ble Supreme Court in *SLP (Crl.)No.5020-2026* titled as



State of Punjab vs. Sukhwinder Singh @ Gora, wherein it has been categorically held that in cases involving recovery of commercial quantity of contraband, the twin conditions as envisaged under Section 37 of the NDPS Act are required to be mandatorily satisfied before the concession of bail is to be granted. Mere prolonged incarceration by itself cannot be a ground for grant of bail. The relevant whereof reads thus:

“9. It is well-settled that in matters involving recovery of contraband in commercial quantity, the twin conditions under Section 37(1)(b)(ii) of the NDPS Act are mandatory and entail no relaxation merely on the ground that the accused has undergone prolonged incarceration during the pendency of trial. The provision casts upon the Court a duty to record, before enlarging an accused on bail, its satisfaction on two cumulative conditions, first, that there exist reasonable grounds for believing that the accused is not guilty of the offence charged; and second, that he is not likely to commit any offence while on bail. The recording of such satisfaction is not a mere formality but a mandatory pre-condition, the non-observance of which vitiates the grant of bail. This Court, in Kashif (supra), has held in no uncertain terms that the recording of satisfaction on the twin conditions under Section 37 is mandatory and not merely directory, and that an order granting bail without such recorded satisfaction stands vitiated and cannot be sustained. The same view stands reiterated in Lalrintluanga Sailo (supra).

10. The impugned order, on its own showing, does not record the satisfaction mandated under Section 37(1)(b)(ii) of the NDPS Act. Far from recording such satisfaction, the High Court has gone on to observe that 'the rigours of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial.' Such an approach is plainly contrary to the settled law laid down by this Court and deserves to be set aside on this ground alone. The right to speedy trial, rooted in Article 21 of the Constitution, is undoubtedly a precious Constitutional right. That said, in matters governed by a special enactment such as the NDPS Act, particularly where the recovery is of commercial quantity, the said right under Article 21 must be exercised within the framework of Section 37 and cannot be pressed into service solely on the ground of delay to override it. The constitutional right under Article 21 and the special provision of law under Section 37, NDPS Act are to be read harmoniously



and not placed in opposition to each other. The High Court, by failing to record its satisfaction on the twin conditions under Section 37, has in this Court’s view, committed an error.”

10. In view of the seriousness of the allegations coupled with the nature of the offence, the role attributed to the petitioner & the statutory bar under the NDPS Act, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail in the factual *milieu* of the case in hand.

11. In view of the prevenient ratiocination, it is ordained thus:

- (i) The present petition is devoid of merit and is hereby dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

May 06, 2026
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No