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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-7817-2025 (O&M)

Kabal Singh ...Petitioner

Versus

Union of India, Narcotic Contral Bureau ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	17.03.2026
2	The date when the judgment is pronounced	20.03.2026
3	The date when the judgment is uploaded on the website	20.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Sourabh Goel, Special Public Prosecutor with
Ms. Samridhi Jain, Advocate
for the respondent/UOI/NCB.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the third petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case NCB Chandigarh Crime No. 11/2023, dated 13.05.2023, registered under Sections 8, 15, 25, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*). He had filed

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previous two petitions for grant of interim bail.

2. As per the allegations made in the complaint, on 12.05.2023, on the basis of a secret information, the petitioner and co-accused Hajoor Singh, while coming in a truck bearing registration number PB-02-BV-9528, were apprehended by a team of NCB headed by Intelligence Officer Sharique Qamar. On conducting search of the said truck, recovery of 1805.25 kgs. of poppy husk was effected, which was kept in several bags and jute bags. Apart from this, subsequently on 26.05.2023, drug money of Rs.5.20 Lakhs was also recovered from the petitioner. The petitioner and co-accused were formally arrested. After completion of necessary investigation, the aforementioned complaint was filed by the NCB against the petitioner and other co-accused.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has clean antecedents. The mandatory provisions of the NDPS Act were not complied with properly. As per own case of the prosecution, when they reached at the place, the said truck was parked and no one was present there. Rigors of Section 37 of the NDPS Act are not attracted against the petitioner as no recovery had been effected from his conscious possession. The petitioner is aged about 71 years and is not maintaining good health due to several age related diseases. The petitioner is in custody since 12.05.2023. Trial is likely to take considerable time to conclude. Continued detention of the petitioner is not going to serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned Special Public Prosecutor has argued that there are serious and specific allegations against the petitioner. Huge quantity of contraband i.e. poppy husk was recovered from the aforementioned truck, which

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is owned by the present petitioner. The petitioner along with co-accused was apprehended at the spot. The disputed questions of fact cannot be decided in a bail petition. The trial is going on at a proper pace. The rigors of Section 37 of the NDPS Act are attracted against the petitioner. The petitioner is not suffering from any life threatening disease and his prayer for interim bail on medical grounds had already been declined by this Court. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner along with co-accused is alleged to be found in conscious possession of commercial quantity, i.e. 1805.25 kgs. of poppy husk, which attracts the stringent rigors of Section 37 of the NDPS Act. The said provision places a clear embargo on the grant of bail unless the twin conditions, i.e. reasonable grounds to believe that the accused is not guilty of the alleged offence and that he is not likely to commit any offence while on bail, are satisfied. At this stage, this Court does not find any material to record such satisfaction in favour of the petitioner. The argument of the learned counsel for the petitioner that the contraband was not recovered from his conscious possession cannot be accepted at this stage. The truck from which the recovery was effected is stated to be owned by the petitioner and he was allegedly apprehended in connection with the said vehicle. The issue of conscious possession as well as alleged non-compliance of mandatory provisions are essentially matters of evidence, which are to be adjudicated during trial and cannot be conclusively determined in the present proceedings. Further, the recovery of alleged drug money to the tune of Rs.5.20 Lakhs from the petitioner also prima facie connects him with the alleged offence. The magnitude of the

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recovery and the nature of allegations indicate involvement in a serious offence having wider societal ramifications.

7. As regards the plea of old age and medical condition of the petitioner, it is pertinent to note that the prayer of the petitioner for interim bail on medical grounds has already been declined by this Court and no fresh or compelling circumstances have been brought on record to take a different view at this stage. Though the petitioner is in custody since 12.05.2023, the trial is stated to be progressing at a proper pace. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the petitioner has failed to make out a case for grant of regular bail. Accordingly, the present petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

20.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No