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

**CRM-M No.19201 of 2026
Date of Decision: 30.04.2026**

Anmolpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amardeep Singh Gill, Advocate
for the petitioner.

Mr. Kuljinder Dhindsa, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.02, dated 16.01.2025, under Sections 21(c), 61, 85 of NDPS Act, registered at Police Station Dhilwan, District Kapurthala.

2. Succinctly, the facts of the case are that the police party was on patrolling on 16.01.2025 at main G.T. Road towards Kacha Pul. At about 09:50 A.M., they saw one white coloured Innova car coming on slow speed from Kacha pul side. The same was stopped by the police officials. However, on seeing the police, driver of the car got perplexed. On asking, driver of the car disclosed his name to be Anmolpreet Singh, i.e. the petitioner. He was suspected to be carrying some contraband in the car and thus, search of the car was conducted. On conducting the search of



the car, 1 Kg heroin along with Rs.90,000/- as drug money was effected. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Kapurthala praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Kapurthala declined the bail application filed by the petitioner vide order dated 07.02.2026. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery of 1 Kg of heroin has been effected from the public place but no independent witness has been joined. He has submitted that the alleged recovery effected under the driving seat itself, even the conscious possession is also not proved. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner is not involved in any other case of the similar nature, rather he was arrested illegally one day prior to the alleged date of occurrence. He has submitted that the petitioner is behind bars from last more than 1 year, however, there is no material progress in the trial. He has submitted that though the petitioner was falsely implicated



in one more case, i.e. FIR No.234, dated 08.11.2023, however, he is on bail in that case. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that on due compliance of provisions of Sections 50 of NDPS Act, the alleged recovery of 1 Kg of heroin along with Rs.90,000/- drug money has been effected from the car, which was being driven by the petitioner. He has submitted that the alleged recovery effected from the petitioner falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of total 13 prosecution witnesses, 01 witness has been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrested in the present case on 15.01.2025. The alleged recovery of 1 Kg of heroin has been effected under the driving seat. The violation of mandatory provisions of Section 50 of NDPS Act is there, as submitted before this Court by learned counsel for the petitioner. 01 witness has been examined out of total 13 prosecution witnesses. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 03 months and 10 days as on 29.04.2026. It further reflects that the petitioner is involved in 01 more cases.



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.

20. xxxxx

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. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.
9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

30.04.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No