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

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Date of Decision: 06.05.2026

SHUBDEEP SINGH**... Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**Present: Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. M.S. Toor, AAG Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.110 dated 21.09.2024 registered 21, 23, 25, 29 and 27-A of NDPS Act, Section 25 of Arms Act and Sections 10, 11 and 12 of Aircraft Act at Police Station Dera Baba Nanak, District Batala.

2. The present FIR No.110 dated 21.09.2024 U/s 21, 23, 25, 29 and 27-A of NDPS Act, Section 25 of Arms Act and Sections 10, 11 and 12 of Aircraft Act of Aircraft Act Police Station Dera Baba Nanak, District Batala was registered on the statement of Subhash Chander, AC BOP Metla, Dera Baba Nanak, District Gurdaspur against Shubdeep Singh (petitioner), Harjit Singh (granted bail vide order dated 20.04.2026) and Taqdeer Singh. The said persons were apprehended and the recovery of various articles such as Bank Passbook of HDFC Account No.50100675174114 in the name of Sukhdeep

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Singh, Cheque book of same person, Debt Card of PNB6070936218271994, PAN Card of Harjit Singh, Aadhar Card of Harjeet Singh, Aadhar Card of Gurdev Singh, Lovepreet Singh's Aadhar Card, Driving License of Robinpreet Singh, Drug money of Rs.47,900/-, US Dollar 1 dollar (one note) and Japanese yen-100 (one note) came to be effected from them. On their pointing out, 2 kg 580 grams of heroin, 50 grams waste material and a drone also came to be recovered.

3. On the disclosure statement of Shubhdeep Singh (petitioner), Manpreet Singh (granted bail vide order dated 29.09.2025) and Lovepreet Singh were nominated in the case vide DDR No.47 dated 24.09.2024. Manpreet Singh was arrested on 29.05.2024.

On the disclosure statement of Harjit Singh (granted bail vide order dated 20.04.2026) one country-made pistol was recovered vide DDR No.21 dated 26.09.2024 an offence under the Arms Act was added.

On the disclosure statement of Shubhdeep Singh one Manik (granted bail vide order dated 29.09.2025 passed in CRM-M-17646-2025) was nominated in the case. Manik, Lovepreet Singh and Gurdev Singh (granted bail vide order dated 29.09.2025 passed in CRM-M34341-2025) were joined in the investigation after obtaining their production warrants on 27.09.2024.

On the disclosure statement, Shubhdeep Singh accused Vishnu (granted bail vide order dated 02.04.2025 passed in CRM-M-2030-2025), Vishal (granted bail vide order dated 02.04.2025 passed in CRM-M-1661-2025) and Suneha were also nominated as accused. Vishnu and Vishal were

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arrested on 28.09.2024. On the pointing out of Shubhdeep Singh one pistol was recovered. Further, vide DDR No.24 dated 29.09.2024, Robin, Harry, Jasbir Singh @ Bobby (granted bail vide order dated 29.10.2025 passed in CRM-M-58973-2025), Angrez and Sandeep Kumar were nominated as accused.

On the disclosure statement of Manik, Gobind owner of DY Enterprise, Shiva and 3/4 unidentified persons were nominated as accused vide DDR No.26 dated 01.10.2024.

Further, on the disclosure statement of Shubhdeep Singh vide DDR No.50 dated 03.10.2024 Ravi (granted bail vide order dated 02.04.2025 passed in CRM-M-4626-2025) and Sandeep were nominated as accused.

On the disclosure statement of Ravi, one Gagan (granted bail vide order dated 07.08.2025 passed in CRM-M-25908-2025) was nominated in the present case and on the disclosure statement of Sandeep Kumar (granted bail vide order dated 19.02.2025 passed in CRMM-62386-2024), one Balbir Singh (granted bail vide order dated 19.02.2025 passed in CRM-M-2658-2025) (owner of Hotel Alpine) was nominated as an accused.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The mandatory provisions of Sections 42 and 50 of the NDPS Act have not been complied with in their proper perspective. No independent witness was joined at the time of search and seizure. As the petitioner is a first-time offender, is in custody since 21.09.2024 but none of the 34 prosecution witnesses has been



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examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail in view of the judgment of the Hon'ble Supreme Court in the case of ***Nitish Adhikary @ Bapan Versus The State of West Bengal, SLP (Crl.) Nos.5769/2022 arising out of judgment and order dated 04.05.2022 in CRM(NDPS) No.442/2022, decided on 01.08.2022 and Hasanujjaman & others Versus The State of West Bengal, SLP (Crl.) No.(s).3221/2023 arising out of impugned final judgment and order dated 29.11.2022 in CRM(NDPS) No.1323/2022, decided on 04.05.2023***, moreso when 11 co-accused of the petitioner have been granted the concession of bail.

5. On the other hand, the learned State counsel contends that commercial quantity of contraband has been recovered from the petitioner. Therefore, in view of the bar contained under Section 37 of the NDPS Act, the petitioner is not entitled to the grant of bail. He, however, concedes that the petitioner is a first-time offender, is in custody since 21.09.2024 but none of the 34 prosecution witnesses has been examined so far and that 11 co-accused of the petitioner have been granted the concession of bail..

6. I have heard the learned counsel for the parties.

7. The Hon'ble Supreme Court in the case of ***Nitish Adhikary @ Bapan Vs. The State of West Bengal SLP (Crl.) Nos.5769/2022 Decided on 01.08.2022*** held as under:-

“As per the office report dated 29.07.2022, copy of the show cause notice along with Special Leave Petition was supplied to the Standing Counsel for the State of West Bengal and separate notice



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has been served on the State also. However, no one has entered appearance on their behalf.

The petitioner seeks enlargement on bail in F.I.R. No. 612 of 2020 dated 17.10.2020 filed under Section 21(c) and 37 of the NDPS 2 Act, registered at Police Station Bongaon, West Bengal.

During the course of the hearing, we are informed that the petitioner has undergone custody for a period of 01 year and 07 months as on 09.06.2022. The trial is at a preliminary stage, as only one witness has been examined. The petitioner does not have any criminal antecedents.

Taking into consideration the period of sentence undergone by the petitioner and all the attending circumstances but without expressing any views in the merits of the case, we are inclined to grant bail to the petitioner.

The petitioner is accordingly, directed to be released on bail subject to him furnishing bail bonds to the satisfaction of the Trial Court.

The Special Leave Petition is disposed of on the aforesaid terms.

Pending application(s), if any, shall stand disposed of.”

8. In **Hasanujjaman & others Versus The State of West Bengal, SLP (Crl.) No.(s).3221/2023, decided on 04.05.2023,** held as under:-

“1. There are three petitioners in this Special Leave Petition, who were accused of committing an offence under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’) in FIR No.18/2022, dated 09.01.2022, registered at Police Station Islampur, District Murshidabad, West Bengal.

2. The allegations are that when the police party intercepted the petitioners along with another person riding



*on two motorcycles, they were found in possession of codeine phosphate in a consignment of phensedyl bottles loaded in two nylon bags. During the search, 115 bottles (100 ml. each) of phensedyl were recovered from the joint possession of the petitioners. **They were arrested on the spot and have been in custody for more than one year and four months.***

3. We have heard learned counsel for the parties and carefully perused the record.

*4. **The investigation is complete; chargesheet has been filed, though the charges are yet to be framed. The conclusion of trial will, thus, take some reasonable time, regardless of the direction issued by the High Court to conclude the same within one year from the date of framing of charges. The petitioners do not have any criminal antecedents. There is, thus, substantial compliance of Section 37 of the NDPS Act.***

5. In such circumstances, but without expressing any views on the merits of the case, we deem it appropriate to release the petitioners on bail subject to the terms and conditions as may be imposed by the Trial Court.

6. Additionally, it is clarified that in case the petitioners are found involved in any other case under the NDPS Act or other penal law, it shall amount to misuse of the concession of bail granted to them today, and in such a case, necessary consequences shall follow.

7. The petitioners are further directed to appear before the Trial Court regularly. In the event of they being absent, it shall again be taken as a misuse of concession of bail.

8. The Special Leave Petition stands disposed of in the above terms.



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9. As a result, pending interlocutory application also stands disposed of.

(emphasis supplied)

9. Admittedly, in ‘Nitish Adhikary @ Bapan’ (supra) and ‘Hasanujjaman & others’ (supra), the accused therein had been granted the concession of bail by the Hon’ble Supreme Court after they had undergone approximately one and a half years of custody. They were also first-time offenders as is borne out from the orders.

10. Further, the petitioner is a first-time offender, is in custody since 21.09.2024 and none of the 34 prosecution witnesses has been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the rigors of Section 37 of the NDPS Act can be diluted to an extent in view of the salutary provisions of Article 21 of the Constitution of India which provides for the right to a speedy trial and the case of the petitioners can be considered for the grant of bail, moreso when 11 co-accused have been granted the concession of bail.

11. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner- Shubhdeep Singh S/o Gurdev Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

12. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform

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in writing each time that he is not involved in any other crime other than the present case.

13. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

14. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

06.05.2026**Kusum**

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