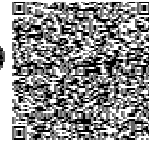


CRM-M-27646-2025 and another connected case

2026:PHHC:021279



119 (2 cases)

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

1. CRM-M-27646-2025

Navjot Singh

....Petitioner

versus

Union of India through Sub Inspector, Narcotics Control Bureau, Amritsar
Zonal Unit, Amritsar

....Respondent

2. CRM-M-30059-2025

Manish Kumar

....Petitioner

versus

Union of India through Sub Inspector, Narcotics Control Bureau,
Amritsar Zonal Unit, Punjab

....Respondent

Date of Decision: February 11, 2026

Date of Uploading: February 12, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ruhani Chadha, Advocate for the petitioner
(in CRM-27646-2025).

Ms. Navjot Kaur, Advocate for the petitioner
(in CRM-M-30059-2025).

Mr. Rajiv Sharma, Special Public Prosecutor with
Ms. Indu Bala Sharma, Advocate,
Mr. Vinayak Atri, Advocate and
Ms. Amrit Kashyap, Advocate for the respondent – NCB.

SUMEET GOEL, J. (ORAL)

By way of the present common judgment, this Court proceeds to
adjudicate the aforesaid two petitions together in view of the admitted

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commonality of factual matrix and congruity of legal issues involved therein, as fairly conceded by the learned counsel appearing for the respective parties.

For the sake of convenience & brevity, the facts are extracted from *CRM-M-27646-2025* titled as *Navjot Singh versus Union of India, through Sub Inspector, Narcotics Control Bureau, Amritsar Zonal Unit, Amritsar*.

2. Present petitions have been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail to the petitioner(s), in NCB Crime Case No.51 dated 08.12.2024, registered under Sections 8, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Narcotic Control Bureau, Amritsar Zone, Punjab.

3. As per case setup by the Narcotics Control Bureau, the complaint in question involves recovery of commercial quantity of contraband, i.e. 1,37,11,610 tablets (total weighing 5772.584 Kg. *albeit* with strips) containing Alprazolam, Tramadol and Zolpidem Tartrate.

4. Learned counsel for the petitioner(s) have has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner(s) are concocted, improbable and devoid of any merit. Learned counsel have further iterated that the petitioner(s) have been nominated, in the present case, solely on the basis of disclosure statement made by the co-accused, namely, Manpreet Singh. It is also submitted that the petitioner(s) have no nexus with the main accused, namely, Sukhpal Singh and Harwinder Singh. Learned counsel has further argued that in terms of the interim order

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dated 20.05.2025 (in the case of Navjot Singh) and order dated 28.05.2025 (in the case of Manish Kumar), they have joined investigation and cooperated therein.

4.1. Learned counsel has further submitted that custodial interrogation of the petitioner(s) is no longer warranted as nothing incriminating remains to be recovered from them. Moreover, there is no likelihood of the petitioner(s) absconding from the process of justice or tampering with the prosecution evidence, in case, they are enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

5. *Per contra*, learned State counsel has filed reply dated 10.08.2025 (petitioner-Navjot Singh) on behalf of the respondent, which is already on record. Raising submissions in tandem with the said reply, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature as pertaining to involvement of commercial quantity under NDPS Act. Though, the petitioner has joined investigation, but his cooperation has not been satisfactory.

5.1. Raising submissions in tandem with the reply dated 11.11.2025 (petitioner-Manish Kumar), learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature as pertaining to involvement of commercial quantity under NDPS Act. Relevant of the aforesaid reply reads thus:

“13. That the specific question raised by Hon'ble court regarding the (a) evidence against the petitioner (b) role of the petitioner.

(a) Evidence against the petitioner:- It is submitted that the petitioner name came during investigation first time in statement of accused no. 6, Harsh Kumar as Harsh Kumar stated that he along with his friend Varun Kumar used to take illegal Tramadol medicines and other NRx medicines from one person named Manish Kumar(Petitioner) who is the brother of Naveen Kumar and both are running welfare Medicos and welfare medical store in Katra Sher Singh, Amritsar and accused no. 6 Harsh Kumar took the team to the above addresses but Manish Kumar absconded from the place after seeing the team but Naveen Kumar was available. On enquiry with Naveen Kumar, he accepted in his statement about complicity of trafficking of illegal Tramadol tablets and other NRx medicines with the help of Manish Kumar (Petitioner). Further investigation revealed that both Naveen (Petitioner) and Manish (Petitioner) were also earlier involved in trafficking of NRx medicines, and 13230 tablets were recovered and FIR registered as 177/2021 by Kathu Nangal Police station, Amritsar and presently both were on bail. During course of further investigation statement of owner of the shop Welfare Medicos and Welfare Medical store, Bisan Das So Amarnath were taken and in which he revealed that Naveen Gupta spent 20 lakhs Rupees for acquiring one shop Welfare Medicos but agreement of shop was prepared in the name of Manish Kumar (Petitioner). Naveen Gupta in his statement also revealed that he spent approx. 80 lakh Rupee for purchasing medicine for above welfare Medicos. Till date either Naveen Gupta or Manish Kumar (Petitioner) did not provide the source of 1 crore Rupees which indicates that the above amount was earned out of drug money. The owner of the shop Bisan Das further disclosed that during absconding of Manish Kumar (paper owner of Welfare Medicos) he is getting every month rent of Welfare Medicos from Sweta Gupta, wife of Manish Gupta.

b) The statement of Naveen Gupta, Manish Kumar, Bisan Das and finances involved in the running both the shops, previous antecedents, FIR in drug case are substantial proof of involvement of Manish Kumar in drug Trafficking.

c) Role of Manish Kumar: - Naveen Gupta is a master mind and running illegal trafficking of Tramadol tablets with the help of or with his associates Manish Kumar (Petitioner) who was his employee and getting salary only 12000 Rs per month (as per statement of Naveen Gupta). Abysmal Financial condition of the Manish Kumar (Petitioner) is also justified by his bank statements and ITR filed which is nowhere matching with the expenses incurred in opening the shop Welfare Medicos. Naveen Gupta used Manish Kumar (Petitioner) as a dummy person to run illegal trafficking of Tramadol tablets and invested huge amount of money approx. 1 crore Rupees for purchasing a shop and medicines in the name of Manish Kumar (Petitioner) and Manish Kumar knowingly assist Naveen Gupta in illegal trafficking of narcotics drugs for making extra money and accordingly he has done offense w/s 8, 22,27A,29 and other of NDPS act.

14. That since a huge commercial quantity of Narcotics, which is a dreadful crime against the society, as well as the state that affects the Indian youth now a day very badly and Punjab in particular which have lost generations of youth to the abuse of Narcotic Drugs and Psychotropic Substances. So, keeping in view the facts of the present case and prevailing situation in the country, the accused smuggled huge quantity of narcotic (psychotropic medicine) etc. and the said consignment was meant to boost anti-social elements who disturb the security of the state which is to be watched by the

Courts preferred as compared to the liability of an individual. It is a crime against the State and public faith may not be shaken in the judicial system by allowing the accused to move freely in our society who are charged with serious allegations.

15. That the recovery in the present case is a commercial quantity and is covered under section 37 of the NDPS Act. The case comes under the strict provisions of section 37 of the Act as far as the provision of bail is concerned. The petitioner was working in a very planned manner with other co-accused and in case bail is granted to the petitioner, he shall indulge in similar activities as he has in depth experience of the illegal trade.”

5.2. In case, the petitioners are granted concession of anticipatory bail, there is all likelihood that they may abscond from the process of justice and also intimidate the prosecution evidence/ witnesses. Learned State counsel has further submitted that the instant bail plea is barred by the rigors of Section 37 of the NDPS Act, and thus, the same ought to be dismissed. On the strength of these submissions, dismissal of the petition in hand is entreated for.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977***, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

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16. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant

anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

8. As per the case put forth in the FIR in question, the allegations against the petitioner are grave and specific. The petitioner(s) are involved in a case, which involved recovery of commercial quantity of contraband, i.e. 1,37,11,610 tablets (total weighing 5772.584 Kg. *albeit* with strips) containing Alprazolam, Tramadol and Zolpidem Tartrate, which is huge in nature. The quantity recovered clearly attracts the rigours of the relevant provisions of Section 37 of the NDPS Act. Considering the magnitude of the recovery, the possibility of the petitioners' involvement in organized illegal trade cannot be ruled out. Grant of anticipatory bail at this stage may hamper effective investigation. The petitioners have failed to make out any exceptional grounds for the grant of such relief.

8.1. Further, the custodial interrogation of the petitioners is sought for by the respondent – NCB particularly in view of the alleged lack of full cooperation during investigation. Having regard to the nature of accusations and stage of investigation, the Court finds merit in the submissions that grant of anticipatory bail, at this juncture, may impede effective investigation and frustrate legitimate investigative efforts.

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9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between protecting individual rights and safeguarding societal interest(s). The extraordinary relief of anticipatory bail is not to be granted as a matter of routine and is reserved for exceptional circumstances where the Court is satisfied that the arrest would be unjustified or motivated. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression.

10. Offences under NDPS Act, particularly, those involving commercial quantity is treated with heightened seriousness owing to their deleterious effect on public health and societal order. The societal interest in ensuring effective investigation and prosecution of such offences assumes greater significance. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma* [*State v. Anil Sharma*, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039], the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is

well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

11. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.
12. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
13. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

February 11, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No