

CRM-M-31486-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31486-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
23.02.2026	05.03.2026	FULL PRONOUNCED	05.03.2026

Shantanu BenerjeePetitioner

Vs.

Union of IndiaRespondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manpreet Singh Sidhu, Advocate
for the petitioner.

Mr. Rajiv Sharma (Hissarwale), Special Public Prosecutor with
Mr. Vinayak Atre, Advocate and
Ms. Indu Bala Sharma, Advocate
for the respondent-UOI.

ANOOP CHITKARA J.

Case Crime No.	Dated	Police Station	Sections
022	03.08.2023	NCB, Chandigarh, District Ludhiana	8, 15, 25 & 29 of NDPS Act

1. The petitioner incarcerated in the case captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS] (439 CrPC), seeking regular bail.
2. It is appropriate to extract paragraphs 11 to 14 of the order dated 29.10.2025 passed by this Court, which reads as follows:-

11. The custody certificate issued by the Superintendent, Howrah District Correctional Home, reads as follows:

“This is to certify that accused person Santanu Banerjee S/o Mrinal Banerjee, having residential address at Master Colony, Joypur Rd., PS-Joypur, District Purulia, PIN-723102, State-West

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Bengal (as per his custody warrant) is presently detained in Howrah District Correctional Home from 24.01.2024 in connection with NDPS No.-220/2024 arising out of NCB Crime No.22/23 dated 03.08.2023, u/s 8, 15, 29 of NDPS Act pending before the Ld. Court of Additional District & Sessions Judge, Ludhiana, Punjab and TR No.-23/23, arising out of NCB Crime No.24/NCB/KOL/23, U/S-8(c) 15(c), 28, 29 of NDPS Act pending before the Ld. Court of Judge Spl. Court, NDPS Act-1985, Howrah, West Bengal.”

12. *It shall also be relevant to extract paragraph 72 of the complaint, which reads as follows:*

“72. That a prayer was made before the Ld. SDJM cum Illaqa Magistrate Payal for issuance of production warrant in the name of Shantanu Banerjee which was allowed for 27.02.2024 but he was not produced on that day by jail authorities Kolkata.”

13. *Thus, the petitioner is not in custody of the NCB in the present case. Although, as per paragraph 72 of the complaint (supra), production warrants were issued, yet the petitioner’s custody was not handed over to the NCB officials as he was not produced on 27.02.2024, as such petitioner was not in custody in this case till 27.02.2024.*

14. *Let NCB counsel point out whether the petitioner is in custody in West Bengal in present complainant case or in some other case. It shall further be specifically clarified about the custody of petitioner in present case.*

3. After that custody certificate dated 14.02.2026 issued by the Superintendent, Howrah, District Correctional Home, Howrah, has been handed over in the Court. As per this custody certificate, date of admission of the petitioner in Howrah District Correctional Home, is 24.01.2024. In Column 9 of the said custody certificate, total period spend as under trial & actual period spent in Howrah District Correctional Home, is mentioned as 02 years & 21 days.

4. It shall be appropriate to refer to the reply dated 05.08.2025 filed by NCB. In para 6 of the reply, it has been mentioned that pursuant to disclosure statement of Rajesh Prasad Gupta, Shantanu Benerjee was arrested by NCB. The certificate of ground of arrest is not annexed with the reply to actually find out the date of arrest, nor the intimation of arrest certificate has been annexed.

5. It shall also be appropriate to refer to Annexure R-1, which is copy of the complaint filed by UOI against Rajesh Prasad Gupta. In paragraphs 72 to 74 & 79 of the said

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complaint, call details of Shantanu Banerjee have been mentioned.

6. It shall also be appropriate to refer to Annexure R-2, which is a supplementary complaint filed by the UOI against Rajesh Prasad Gupta and Shantanu Banerjee. In para 36 of the supplementary complaint (R-2), it has been mentioned that after the arrest of Shantanu Banerjee on 02.05.2024, he was produced before SDJM, Payal. Thus, after the arrest of the petitioner on 02.05.2024, he is still in custody. Thus, the custody of the present petitioner in the present case is around 01 year & 08 months. The drug involved in the present case is 85 kg poppy husk i.e. less than two times commercial quantity but the petitioner has similar criminal history, as such, he is not entitled to bail.
7. Petition dismissed. Pending applications if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

05.03.2026
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.