

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

2026:PHHC:087670



CRM-M-33704-2026 (O&M).
Date of decision: 17.06.2026.

GOVINDA SINGH @ GOBINDA SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Manu Loona, Advocate,
for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in
case bearing FIR No.142 dated 11.05.2026, under Section(s) 15, 18 and 29 of
the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at
Police Station City-1 Abohar, District Fazilka.

Briefly stated, the present FIR was registered on the ruqa sent by
ASI Balveer Singh. As per the prosecution case, on the relevant day, ASI

Balveer Singh along with other police officials was on patrol duty near Dana Mandi, Abohar. During patrolling, two persons were noticed approaching from the opposite direction, one of whom was carrying a sack on his head. On noticing the police party, both persons attempted to move towards the nearby bushes, arousing suspicion. The police party apprehended the said persons, who disclosed their identities as Harinder Pal Singh son of Gurbachan Singh, resident of Village Aliana, Police Station Arniwala, and Kulbeer Singh son of Hukam Singh, resident of Village Ruhrian Wali, Police Station Sadar Abohar, District Fazilka. Upon suspicion that the sack contained contraband, the accused were informed of their legal right to have the search conducted before a Gazetted Officer or a Magistrate. The accused declined the offer and consented to the search being conducted by the police party itself. Separate notices under Section 50 of the NDPS Act were served upon them. Thereafter, the sack carried by the accused was searched. During the search, 29 kilograms and 500 grams of poppy husk and 506 grams of opium were recovered. The recovered contraband was weighed, sealed in separate parcels and taken into possession through a recovery memo in accordance with the prescribed procedure. On the basis of the aforesaid recovery, a ruqa was sent to the police station, leading to registration of the present FIR against Harinder Pal Singh and Kulbeer Singh for offences punishable under Sections 15 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel appearing on behalf of the petitioner contends that no recovery of any narcotic substance has been effected from the conscious possession of the petitioner and that recovery of 29 kgs. 500 grams of poppy husk and 506 grams of opium was effected from the co-accused

namely Harinder Pal Singh and Kulbeer Singh. He contends that the petitioner has been nominated on the basis of disclosure statement made by co-accused Harinder Pal Singh. Learned counsel submits that the only recovery attributed to the petitioner is a sum of Rs.40,000/-, which by itself does not establish any nexus with the contraband recovered from the co-accused. It is submitted that apart from the aforesaid disclosure statement, there is no independent material linking the petitioner with the recovered contraband or establishing his participation in the offence and that the same would be an arguable issue to be determined during the course of the trial. He further submits that the recovered contraband is of intermediate quantity.

Learned State counsel, on the other hand, does not dispute the fact that the petitioner was nominated on the basis of disclosure statement of co-accused and that no recovery of contraband was effected from him except the sum of ₹40,000/-. He, however, submits that there are 4 other criminal cases registered against the petitioner, of which 3 are for commission of offenses under the NDPS Act. It is, however, not disputed that the petitioner is on bail in all the 4 cases.

Having heard the learned counsel for the parties, without commenting any further on the merits of the case and taking into consideration the nature of allegations levelled against the petitioner, the stage of the trial and considering the fact that arguable issues would arise with respect to the participation of the petitioner in the commission of offence in the present case, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on

furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

June 17, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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