

2026:PHHC:043837



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38875-2025

Date of decision: 19.03.2026

VIKAS KUMAR @ VICKY

.... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Pallavi Babbar, Legal Aid Counsel
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this 2nd petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for the grant of regular bail to the petitioner in case FIR No.0074 dated 02.09.2023 registered under Section 22 of the NDPS Act at Police Station Jodhan, District Ludhiana Rural.

2. The brief facts of the case are that the petitioner-Vikas Kumar @ Vicky was apprehended with 62 grams of Buprenorphine Hydrochloride.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Section 50 of the NDPS Act. The prosecution version is inherently unbelievable. As the petitioner is in custody since 05.09.2023 but only 07 out of the 10 prosecution witnesses have been 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.

4. On the other hand, the learned State counsel contends that the petitioner is a habitual offender. He is an accused in 02 other cases arising out of FIR No.75 dated 21.09.2022 U/s 22 NDPS Act, P.S. Jodhan, Ludhiana Rural and FIR No.106 dated 02.10.2013 U/s 15, 61, 85 of NDPS Act, P.S. Kotfatta. The instant petition is the 2nd bail petition on behalf of the petitioner, the last one having been withdrawn on 14.01.2025 (Annexure P-6). Therefore, keeping in view the antecedents of the petitioner, he is not entitled to the concession of bail, moreso in view of the bar contained in Section 37 of the NDPS Act.

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

6. This is the 2nd bail petition on behalf of the petitioner. The details of his earlier bail applications are as under:-

Sr. No.	Bail Application	Date of Decision
1.	CRM-M-56669-2024	Dismissed as withdrawn on 14.01.2025

7. The details of other FIRs registered against the petitioner are as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station
1.	FIR No.75 dated 21.09.2022	22 NDPS Act	P.S. Jodhan, Ludhiana Rural
2.	FIR No.106 dated 02.10.2013	15, 61, 85 of NDPS	P.S. Kotfatta

8. Apparently, the petitioner is as serial offender with two other cases registered against him under the NDPS Act. No change in circumstances whatsoever have been pointed out by the counsel for the petitioner after the 1st bail petition of the petitioner came to be argued and withdrawn on 14.01.2025 (Annexure P-6).

9. This Court in the case of **Soni Singh @ Chamkaur Singh Versus State of Punjab, CRM-M-31645-2022, decided on 20.10.2022**, held as under:-

“Admittedly, the petitioner in the present case is named in the disclosure statement of the arrested accused. Subsequently thereto 3Kgs of Poppy Husk was recovered at his instance which is a non commercial quantity. It may be relevant to mention here that limitations to the grant of bail under Section 37 of the NDPS Act are in addition to those prescribed under Cr.PC or any other law inforce on the grant of bail as has been set out by the Hon'ble Supreme Court in Satpal Singh Vs. State of Punjab 2018(5) RCR (Criminal) 152. In the present case, the petitioner is involved in two other cases under the NDPS Act. Thus, as he is a habitual offender, he is not entitled to the grant of bail even under Section 439 Cr.PC keeping in view his antecedents. Even otherwise, assuming that the rigors of Section 37 of the NDPS Act did not apply to the petitioner, that by itself would not ipso facto lead to the grant of bail to the petitioner.

In view of the above discussion, I find no merit in the present petition and the same is therefore dismissed.”

10. In fact, when there are multiple FIRs against an accused over a significant period of time, then the twin conditions as envisaged under Section 37 of the NDPS Act that he had not committed an offence and was not likely to commit an offence cannot be satisfied. Further, the limitation to the grant of bail under Section 37 of the NDPS Act are in addition to those

prescribed under the Cr.P.C. or any other law in force on the grant of bail. Thus, a habitual offender is not entitled to the grant of bail even under the provisions of the Cr.P.C. keeping in view his criminal antecedents even though, his co-accused who are similarly situated may have been granted the said concession.

11. Keeping in view the allegations levelled against the petitioner as well as his antecedents the satisfaction under Section 37 of the NDPS Act that he has not committed an offence and is not likely to commit one in the future cannot be recorded.

12. Therefore, I do not deem it appropriate to grant them the concession of bail and hence, the present petition stands dismissed.

13. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

14. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

19.03.2026

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