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

CRM-M-39630-2025

Date of decision : 10.03.2026

Jugraj Singh @ Laddi**.....Petitioner****versus****Union of India****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Deepanshu Mehta, Advocate
for the petitioner.

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

Mr. K.D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case/NCB Crime No.36 dated 16.10.2024, under Sections 8, 21, 23, 29 of the NDPS Act, 1985, registered at Police Station NCB Amritsar, District Amritsar.

2. As per the facts of the case, the NCB received a secret information on 16.10.2024 to the effect that Jugraj Singh @ Laddi Cheema and Anil were involved in smuggling of the Heroin. It was informed that they were roaming in the area at Ganda Singh Colony, Amritsar and if the raid is conducted, they could be arrested along with the contraband. On receiving the secret information, the raiding team raided the house of Anil. On conducting the search of his house, 303 grams of Heroin was recovered. Anil failed to produce any license regarding the possession of the contraband recovered. Thus, the complaint/FIR was registered and Anil was arrested on the spot. However,



during investigation, he disclosed that the contraband recovered from his house has been supplied by Jugraj Singh @ Laddi (petitioner), however, he escaped from his house. Resultantly, the petitioner was also arrested on 19.11.2024. On completion of the investigation, challan was presented and on framing of charges, the trial commenced. Petitioner approached the Court of learned Judge, Special Court-cum-Additional Sessions Judge, Amritsar praying for grant of regular bail. However, after hearing counsel for both the sides, the same was declined vide order dated 15.02.2025. Being aggrieved, petitioner is before this Court by way of filing the present petition for grant of regular bail.

3. It has been submitted by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that admittedly the case of the prosecution is based on secret information and there is violation of Section 42 of the NDPS Act. He has also advanced the arguments that there is violation of provisions of Section 50 of the NDPS Act. He has submitted that the petitioner has been roped in the present case on the basis of alleged secret information however, admittedly neither any recovery was effected from the petitioner nor he was present at the place of occurrence when the alleged recovery has been effected. He has also contended that the petitioner is a Tuberculosis patient and suffering from Neuro problem as well. He has contended that though the petitioner was involved in one more case pertaining to small quantity of contraband, however, he has been granted bail in the same. He thus, prays for grant of regular bail to the petitioner.

4. Learned counsel for the respondent-NCB has vehemently opposed the submissions made by counsel for the petitioner. He has contended that the petitioner is a habitual offender. He has submitted that



the petitioner has not been arrayed as an accused on the basis of disclosure statement of the co-accused rather there was a specific secret information against him. Though co-accused, namely, Anil, was arrested on the spot however, the petitioner at the time of raid, escaped. He has submitted that during investigation, statement of petitioner-Jugraj Singh @ Laddi was recorded under Section 67 of the NDPS Act wherein he has confessed his crime. He has submitted that the recovery effected from co-accused, namely, Anil, is 303 grams of Heroin which was supplied by the petitioner. He has further submitted that the recovered contraband is commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted in this case. He has also contended that on 16.10.2024, while absconding, petitioner-Jugraj Singh @ Laddi, hit the vehicle of NCB with his car. Thus, he submits that in the facts and circumstances of the case, the petitioner does not deserve the concession of regular bail.

5. In compliance of order dated 12.01.2026, learned State counsel has placed on record the medical status report of the petitioner by way of short reply of Mr. Rajiv Kumar Arora, Superintendent, Central Jail, Amritsar.

6. Learned State counsel has also opposed the submissions made by learned counsel for the petitioner. He has invited the attention of this Court to the medical report wherein the petitioner has been examined and the contention regarding the petitioner suffering from Tuberculosis has not been established. He has placed on record the custody certificate of the petitioner.

7. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio laid



down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

8. After hearing learned counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on the secret information. Petitioner though was named in the secret information however, he has been arrested on 19.11.2024. The recovery of 303 grams has been effected from the house of co-accused namely, Anil. As per the Statute, the quantity above 250 grams is commercial in nature. Custody certificate placed on record shows that the petitioner has undergone the actual sentence of 01 year, 03 months and 15 days as on 09.03.2026. It further reflects that though the petitioner is involved in one more case, however, he is on bail in that case.

9. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Without commenting anything on the merits of the case and keeping in view the overall facts and circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.03.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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