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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123)

CRM-M-46015-2025

Date of decision: 16.03.2026

BALBIR KAUR ALIAS BEERO

.... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rakesh Kumar, Advocate, for the petitioner.

Mr. M.S. Toor, AAG Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this third 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.138 dated 10.07.2019 registered under Sections 22 61 & 85 of NDPS Act at Police Station Sultanpur Lodhi, District Kapurthala.

2. The brief facts of the case are that while the police party was on patrolling duty, a woman was seen walking near the place of Mir Baba at Village Ahmedpur Shanna. On seeing the police party, she immediately threw an envelope containing some heavy substance on the road towards her right side and attempted to move back. On suspicion, she was apprehended and disclosed her name as Balbir Kaur @ Beero (petitioner). Upon search of the bag/envelope, 270 grams of intoxicant powder containing Alprazolam was recovered from her possession.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation



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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 has undergone 03 years 03 months and 17 days of custody but only 06 out of the 09 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, she is entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner is a habitual offender. She is an accused in 06 other cases arising out of FIR No.212 dated 25.08.2022 U/s 22/29/31/61/85 NDPS Act P.S. Sultanpur, FIR No.236 dated 26.10.2012 U/s 21/61/85 NDPS Act, FIR No.208 dated 22.08.2022 U/s 21(c), 29/61/85 NDPS Act, FIR No.73 dated 27.05.2015 U/s 22/61/85 NDPS Act, FIR No.136 dated 28.08.2016 U/s 22/61/85 NDPS Act and FIR No.213 dated 24.7.2021 U/s 21/22/29/61/85 NDPS Act, P.S. Sultanpur Lodhi. Out of the aforesaid cases, the petitioner is an undertrial in three cases and stands convicted in three cases. Therefore, keeping in view the antecedents of the petitioner, she 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 3rd bail petition on behalf of the petitioner. The details of her earlier bail application is as under:-

Sr. No.	Bail Application	Date of Decision
1.	CRM-M-49663-2023	Dismissed as withdrawn on 16.02.2024



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

Sr. No.	FIR Nos. and date	Sections	Police Station	Status
1.	FIR No.212 dated 25.08.2022	22/29/31/61/85 NDPS Act	Sultanpur	Undertrial
2.	FIR No.236 dated 26.10.2012	21/61/85 NDPS Act	Sultanpur Lodhi	Convicted on 31.08.2015
3.	FIR No.208 dated 22.08.2022	21(c), 29/61/85 NDPS Act	Sultanpur Lodhi	Undertrial
4.	FIR No.73 dated 27.05.2015	22/61/85 NDPS Act	Sultanpur Lodhi	Convicted on 03.09.2019
5.	FIR No.136 dated 28.08.2016	22/61/85 NDPS Act	Sultanpur Lodhi	Convicted on 22.08.2017
6.	FIR No.213 dated 24.7.2021	21/22/29/61/85 NDPS Act	Sultanpur Lodhi	Undertrial

8. Apparently, the petitioner is serial offender with multiple 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 2nd bail petition of the petitioner came to be argued and withdrawn on 16.02.2024.

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



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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 her the concession of bail and hence, the present petition stands dismissed.



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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

16.03.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No