



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

234

CRM-M-49853-2025 (O&M)

Date of decision : 15.01.2026

Sukhwinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Harjinder Singh and Ms. Navkiran Bajwa, Advocates
for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (oral)

For the commission of offence punishable under Sections 21(c) of the 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', the FIR No.28 dated 16.04.2025 has been lodged in Police Station Dhilwan, District Kapurthala. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Inspector Manjit Singh, who had reported that on 16.04.2025, he was heading a police party deputed for vehicle checking, and that on the basis of a tip-off given by a reliable source, he had intercepted an Alto car at about 02:00 am, and found that three persons were travelling in the abovementioned car, who on enquiry



identified themselves to be 'Sukhwinder Singh' (driver of the car), Deep Singh @Deep (on navigator seat), and Baljinder Singh @Rinku (on rear seat). According to above-named police officer, when as per laid down procedure a vehicle was checked, it was found that in the abovementioned vehicle, there was 1.500 kg of heroin, contained in a plastic container.

3. It is the case of the prosecution that on recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of the accused were performed, and further investigation taken up.

4. The learned State Counsel has already filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case, and that nothing is left to be recovered from the possession of petitioner. According to learned counsel for the petitioner, the petitioner has clean antecedents, and that all the laid down rules and procedure have not been followed by the Investigating Agency.

7. In addition to above, learned counsel for the petitioner has also argued that the petitioner has already suffered prolonged incarceration for being in custody for a period of almost 09 months, and that the trial is proceeding at a very slow pace, as out of 11 prosecution witnesses, only one has been examined so far.

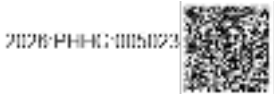


8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the contraband recovered from the possession of petitioner comes within the ambit of 'commercial quantity', and therefore, without satisfying the twin conditions, enshrined under Section-37 of NDPS Act, the petitioner cannot be enlarged on bail. It has also ben contended by learned State Counsel that otherwise also the trial is proceeding at a reasonable pace as in the last 09 months, one witness has already been examined.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision: -

- i) that the recovered contraband from the possession of petitioner comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions, enshrined under Section 37 of NDPS Act, the petitioner is not entitled for the benefit of bail;
- ii) that the allegations against the petitioner are quite specific, categorical and direct for being in conscious possession of contraband;
- iii) that the petitioner was driver of the car, wherein the contraband was kept; and
- iv) that there is nothing on record to show that the twin conditions enshrined under Section-37 of NDPS Act stands satisfied in this case.



11. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration it leads to the conclusion that at this stage the petitioner is not entitled for the benefit of bail, and that the present petition being devoid of merit deserves dismissal.
12. Accordingly, the present petition is hereby *dismissed*.
13. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

15.01.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No