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(113) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49517-2024 (O & M)
Date of Decision: 19.03.2026

Navsharan Das alias Kaka

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nitin Mittoo, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this third petition under Section 483 BNSS is for the grant of regular bail in case bearing FIR No.73 dated 06.05.2024 under Sections 21C/29/25/27A of the NDPS Act, 1985 registered at Police Station STF District STF Wing, Mohali.

2. The brief facts of the case are that the petitioner was apprehended with 680 grams of heroin.
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 42 and Section 50. As the petitioner is in custody since 07.05.2024 but only 03 out of the 19 prosecution witnesses have been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.



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4. On the other hand, the learned State counsel has filed a status report dated 17.03.2026 which is taken on record. While referring to the said status report, he contends that the petitioner is a habitual offender. He is an accused in 04 other cases under the NDPS Act. The instant petition was the third bail application of the petitioner, the last one having been withdrawn on 10.03.2025 (Annexure P-5). Therefore, keeping in view the antecedents of the petitioner, he was 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 third bail application 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	CRM-M-59565-2024	Dismissed as withdrawn on 03.12.2024
2.	CRM-M-9643-2025	Dismissed as withdrawn on 10.03.2025

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.43 dt. 15.05.2022	21/22 NDPS Act	P.S. Qadian	Under Trial
2.	FIR No.71 dt. 18.08.2022	21/29 NDPS Act	Kahnuwal, Gurdaspur	Convicted
3.	FIR No.195 dt. 23.10.2022	25 NDPS Act	Dinanagar, Distt. Gurdaspur	Under Trial
4.	FIR No. 165 dt.05.11.2024	21C/25/29 NDPS Act	ANTE, SAS Nagar, Mohal	Under Trial

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8. Apparently, the petitioner is a serial offender with 04 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 third bail application of the petitioner came to be argued and withdrawn on 10.03.2025 (Annexure P-5).

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. Keeping in view the allegations levelled against the petitioner as well as his antecedents the satisfaction under Section 37 of the NDPS Act that

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he has not committed an offence and is not likely to commit one in the future cannot be recorded.

11. In view of the above discussion, I do not deem it appropriate to grant him the concession of bail and therefore, the present petition stands dismissed.

12. 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.

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

(JASJIT SINGH BEDI)
JUDGE

19.03.2026
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No