

2026.PHHC:047400



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

CRM-M-53705-2025

Date of decision: 25.03.2026

HARBANS SINGH ALIAS BANSA

.... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner.

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

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case FIR No.123 dated 05.06.2025 registered under Sections 22, 29, 61, 85 of NDPS Act at Police Station City Sunam, District Sangrur, Punjab.

2. As per the prosecution case, Banto and Harbans Singh alias Bansa (petitioner) were dealing in contraband. Banto was apprehended with 230 loose intoxicant tablets subsequently found to contain the salt of Buprenorphine Hydrochloride. On the arrest of the petitioner, the recovery of 30 loose intoxicant tablets subsequently found to contain the salt of Buprenorphine Hydrochloride.

3. The matter has been called twice. However, no one has put in appearance on behalf of the petitioner.

4. On the other hand, the learned State counsel contends that the petitioner is a habitual offender. He is an accused in 06 other cases arising out of FIR No.130/2018 dated 09.07.2018 U/s 21 NDPS Act, P.S. Sunam, FIR No.31/2020 dated 03.03.2020 U/s 21, 29 NDPS Act, P.S. Dirbha, FIR No.290/2022 dated 23.12.2022 U/s 21 NDPS Act, P.S. Sunam, FIR No.221/2023 dated 21.09.2023 U/s 21, 29 NDPS Act, P.S. Sunam, FIR No.34 dated 03.03.2024 U/s 21, 29 NDPS Act, P.S. Sunam and FIR No.121 dated 28.08.2024 U/s 21, 29 NDPS Act, P.S. Sunam. 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. 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.130/2018 dated 09.07.2018	21 NDPS Act,	P.S. Sunam,	Undertrial
2.	FIR No.31/2020 dated 03.03.2020	21, 29 NDPS Act,	P.S. Dirbha,	Undertrial
3.	FIR No.290/2022 dated 23.12.2022	21 NDPS Act,	P.S. Sunam	Undertrial
4.	FIR No.221/2023 dated 21.09.2023	21, 29 NDPS Act,	P.S. Sunam,	Undertrial
5.	FIR No.34 dated 03.03.2024	21, 29 NDPS Act,	P.S. Sunam	Undertrial
6.	FIR No.121 dated	21, 29 NDPS	P.S.	Undertrial

	28.08.2024	Act,	Sunam	
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7. A perusal of the status report dated 08.12.2025 would reveal that the petitioner is a serial offender with 06 other cases registered against him under the NDPS Act.
8. 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.”

9. 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.

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

11. Therefore, I do not deem it appropriate to grant them the concession of bail and hence, 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

25.03.2026

Jitesh

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