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

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CRM-M-56822-2025 (O&M)
Date of decision : 23.03.2026

Kuldeep Singh @ Deepa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 25 dated 20.02.2024, registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station GRP, District Ludhiana.

2. Brief facts of the case relevant for the disposal of the present petition are that on 20.02.2024, co-accused Satyadev Teeru was apprehended by a police party headed by Inspector Palwinder Singh and recovery of 15 kgs. of opium was effected from a bag which he was carrying. Since he could not produce any valid license or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. He suffered disclosure statement admitting his involvement in the subject offences and disclosed that petitioner and co-accused Gurudayal Singh Munda were also involved with

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him in sale/purchase of opium in the area of Phagwara. He further disclosed that on 04.02.2024, he had supplied 12 kgs. of opium to an unknown person at Railway Station, Phagwara at the instance of co-accused Gurudayal Singh Munda and on 05.02.2024, the said co-accused himself had supplied 12 kgs. of opium to the said unknown person for a sale consideration of Rs.16 Lakhs, out of which, he had received an amount of Rs. 2 Lakhs in cash and an amount of Rs.1,10,000/- was deposited in his bank account by the said co-accused. He also disclosed that the recovered contraband was given to him by co-accused Gurudayal Singh Mudna to deliver the same to the said unknown person at Railway Station, Phagwara. The petitioner was arrested on 27.01.2025. During investigation, it was revealed that the petitioner had done several bank transactions with the account owned by co-accused Gurudayal Singh Munda. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. The transactions between him and co-accused Gurudayal Singh Munda were with regard to cattle trade. There is nothing on record to connect the petitioner with the subject offences. He has clean antecedents. Even otherwise, investigation has since been completed and challan/supplementary challan has been filed. Conclusion of trial is likely to take considerable time as no prosecution witness has been examined so far. He has been in custody since 27.01.2025. No useful purpose would be served by keeping him in custody anymore. Co-accused Harjinder Singh @ Jinder, Gurudayal Singh Munda and

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Dalwinder Singh have been granted concession of regular bail by this Court. On parity, the petitioner too deserves to be given the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as the fact that commercial quantity of contraband had been recovered in this case, he is not entitled to get benefit of bail as rigors of Section 37 of the NDPS Act would be attracted in this case. The petitioner had transferred several amounts of money into the bank account of co-accused Gurudayal Singh Munda, which shows his complicity in the subject crime. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the Act. A contention has been raised that the rigors of Section 37 of the NDPS Act are attracted in

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the present case as there is recovery of commercial quantity of contraband.

7. The case of the prosecution is that the name of the petitioner was disclosed by the above named co-accused, from whom recovery of commercial quantity of the contraband was effected. As per his disclosure statement, the petitioner along with the co-accused used to supply opium in the area of Phagwara. He also used to receive opium from outside of Railway Station, Phagwara. In *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1*, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. The petitioner was neither named in the FIR nor any recovery of contraband has been effected from him. His implication is based on the alleged monetary transactions, the evidentiary value of which is a matter of trial. Investigation has since been completed and challan/supplementary challan has already been presented. The petitioner has been in custody since 27.01.2025. He has clean antecedents. The trial is likely to take time as no prosecution witness has been examined so far. Co-accused Harjinder Singh @ Jinder, Gurudayal Singh Munda and Dalwinder Singh have already been granted concession of bail by this Court. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

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Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No