

2026:PHHC:029174



108 (5 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CRM-M-59929-2024

Ranjit Singh @ Sonu

versus

State of Punjab

....Petitioner

....Respondent
2.

CRM-M-40143-2025

Vikramjit Singh alias Vicky

versus

State of Punjab

....Petitioner

....Respondent
3.

CRM-M-11538-2025

Sikander Hayat

versus

State of Punjab

....Petitioner

....Respondent
4.

CRM-M-31901-2025

Manzur Hussain alias Manzur Hayyat

versus

State of Punjab

....Petitioner

....Respondent
5.

CRM-M-7556-2025

Rajwinder Singh @ Happy

versus

State of Punjab

....Petitioner

....Respondent

Date of Decision: February 24, 2026
Date of Uploading: February 24, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

CRM-M-59929-2024 and other connected cases

Present:- Mr. Rohit Kumar, Advocate and
Ms. Yashika Walia, Advocate for the petitioner
(in CRM-M-59929-2024).

Mr. B.S. Jaswal, Advocate for the petitioner
(in CRM-M-40143-2025).

Ms. Jasneet Mehra, Advocate for the petitioner(s)
(in CRM-M-11538-2025 and CRM-M-31901-2025).

Mr. Ruhani Chadha, Advocate for the petitioner
(in CRM-M-7556-2025).

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

By way of the present common judgment, this Court proceeds to adjudicate the aforesaid 05 petitions together in view of the admitted commonality of factual matrix and congruity of legal issues involved therein, as fairly conceded by the learned counsel appearing for the respective parties.

For the sake of convenience & brevity, the facts are extracted from CRM-M-59929-2024 titled as Ranjit Singh alias Sonu versus State of Punjab.

2. Present petitions have been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner(s), in case bearing FIR No.164 dated 25.08.2021, registered for the offences punishable under Sections 21/23 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Sections 21-C, 23, 25, 27-A, 29, 61 & 85 of the NDPS Act and Sections 411, 473, 120-B & 34 of the IPC added later on), at Police Station Kathunangal, District Amritsar.

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3. The gravamen of allegations against the petitioners(s) is that the petitioner(s) are accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 21 Kilograms 70 grams of Heroin, Rs.38,00,000/- of drugs money, a Toyota Innova Car No.PB01-A-0904 and stolen unnumbered Hyundai Creta SUV (verified to be No.DL-12-CL-9415).

4. Learned counsel for the petitioner (in CRM-M-59929-2024) has iterated that the petitioner is in custody since 29.08.2021. Learned counsel has further submitted that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has iterated that the trial is delayed and the liability thereof cannot be fastened upon the petitioner. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 04½ years. Thus, regular bail is prayed for.

4.1. Learned counsel for the petitioner (in CRM-M-40143-2025) has iterated that the petitioner is in custody since 01.09.2024. Learned counsel has further submitted that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has iterated that the trial is delayed and the liability thereof cannot be fastened upon the petitioner. Learned counsel has argued that the petitioner has been nominated on the basis of disclosure-statement of co-accused, which is inadmissible in law. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 01½ years. Thus, regular bail is prayed for.

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4.2. Learned counsel for the petitioner (in CRM-M-11538-2025) has iterated that the petitioner is in custody since 28.08.2021. Learned counsel has further submitted that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has iterated that the trial is delayed and the liability thereof cannot be fastened upon the petitioner. Learned counsel has argued that the petitioner has been nominated on the basis of disclosure-statement of co-accused, which is inadmissible in law. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 04½ years. Thus, regular bail is prayed for.

4.3. Learned counsel for the petitioner (in CRM-M-31901-2025) has iterated that the petitioner is in custody since 28.08.2021. Learned counsel has further submitted that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has iterated that the trial is delayed and the liability thereof cannot be fastened upon the petitioner. Learned counsel has argued that the petitioner has been nominated on the basis of disclosure-statement of co-accused, which is inadmissible in law. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 04½ years. Thus, regular bail is prayed for.

4.4. Learned counsel for the petitioner (in CRM-M-7556-2025) has iterated that the petitioner is in custody since 06.12.2022. Learned counsel has further submitted that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from

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inherent defects. Learned counsel has iterated that the trial is delayed and the liability thereof cannot be fastened upon the petitioner. Learned counsel has argued that the petitioner has been nominated on the basis of disclosure-statement of co-accused, which is inadmissible in law. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 03 years. Thus, regular bail is prayed for.

5. Learned State counsel has filed status report by way of an affidavit dated 22.02.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner(s) are serious in nature and, thus, the petitioner(s) do not deserve the concession of the regular bail. Relevant of the said status report reads thus:

“Role of Ranjit Singh alias Sonu: After the registration of the aforesaid FIR, an investigation was commenced by Sub-Inspector Himanshu Bhagat No. 34/CP/ASR, Station House Officer, Police Station Kathunanagal, Amritsar (Rural). On 26.08.2021 during the checking of vehicles, he apprehended co-accused Ranjit Singh alias Sonu son of Gurbachan Singh while driving a Toyota Innova car No. PB-01-A-6708, under the supervision of the then Assistant Superintendent of Police, Sub-division Majitha, Amritsar (Rural) and in the presence of an independent witness namely Chamal Singh Minhas, and recovered 16 packets of heroin (weighing total of 16 kilograms 820 grams), concealed in two separate secret cavity boxes made near the rear bumper and under the front seat besides the drivers' seat of the aforesaid Innova car, which were taken into police possession by following the standard procedure after preparing separate parcels of each packet and sealing the same with seals 'H.B' & 'A.R' and marking each parcel with a distinct number from 1 to 16 vide Recovery Memo dated 26.08.2021.”

“Role of Vikramjit Singh @ Vicky: The co-accused Vikramjit Singh @ Vicky was an active accomplice of the co-accused Sukhdev Singh, Davinder Kumar @ Shah and Amandeep Singh @ Sonu. He used to accompany and help aforesaid co-accused (Sukhdev Singh, Davinder Kumar @ Shah and Amandeep Singh @ Sonu) to smuggle large consignments of Heroin in Punjab after procuring the same from co-accused Sikandar Hayat by visiting his village Jhangar, Rajori, Jammu in the Hyundai Creta car provided by co-accused Rajwinder Singh @ Happy.

During it has been found that he accompanied and helped co-accused Sukhdev Singh, Davinder Kumar @ Shah and Amandeep Singh @ Sonu to procured 8 packets of Heroin in June 2021, 4 packets of Heroin after 10 days, and 4 packets of Heroin in July 2021 from co-accused Sikandar Hayat by visiting his village on the aforesaid Hyundai Creta car provided by co-accused Rajwinder Singh @ Happy.”

“Role of Sikander Hayat: *As per disclosure statement dated 28.08.2021 of the co-accused Ranjit Singh alias Sonu, the recovered 16 packets of heroin were given to him by the petitioner and his brother co-accused Manzur Hussain to transport the same to Punjab from Kashmir in Toyota Innova car No. PB-01-A-6708 in connivance with co-accused Ranjit Singh @ Rana and Malkit Singh @ Laddu. During his custodial interrogation, he had disclosed vide disclosure statement dated 31.08.2021 that he had smuggled a consignment of 12 packets of heroin one month ago from Pakistan in connivance with his brother Manzur Hayat (petitioner and Jaffar Iqbal loaded 10 packets of heroin in the Innova car of Ranjit Singh alias Sonu. He also disclosed that on 12.05.2021, they had smuggled consignment of 12 packets of heroin and had given two packets of heroin to co-accused Sukhdev Singh and Amandeep Singh. During the investigation, it has been found that co-accused Sikandar Hayat along with the petitioner and Juvenile Jafar Iqbal used to supply large consignments of Heroin to the co-accused Ranjit Singh@Sonu, Sukhdev Singh @Kalu, Amandeep Singh @ Sonu, Davinder Singh @ Shah, Vikramjit Singh @ Vicky at Naushera, Jammu after procuring the same from Pakistani Smugglers, on the instructions of Ranjit Singh @ Rana and Malkit Singh @ Laddu which was transported to Amritsar by them by using vehicles i.e., Toyota Innova car No. PB01-A-6708 owned by co-accused Ranjit Singh @ Sonu, and Toyota Innova car No. PB01-A-0904 owned by the co-accused Malkit Singh @ Laddu and stolen unnumbered Hyundai Creta car (original number is DL-12-CL-9415 and stolen from Delhi) provided by Rajwinder Singh @ Happy.”*

“Role of Manzur Hussain: *As per disclosure statement dated 28.08.2021 of the co-accused Ranjit Singh alias Sonu, the recovered 16 packets of heroin were given to him by the petitioner and his brother co-accused Sikander Hayat to transport the same to Punjab from Kashmir in Toyota Innova car No. PB-01-A-6708 in connivance During the investigation. it has been found that co-accused Sikandar Hayat along with the petitioner and Juvenile Jafar Iqbal used to supply large consignments of Heroin to the co-accused Ranjit Singh @ Sonu, Sukhdev Singh @Kalu, Amandeep Singh@Sonu, Davinder Singh @ Shah, Vikramjit Singh @Vicky at Naushera, Jammu after procuring the same from Pakistani Smugglers, on the instructions of Ranjit Singh @ Rana and Malkit Singh @ Laddu which was transported to Amritsar by them by using vehicles i.e., Toyota Innova car No. PB01-A-6708 owned by co-accused Ranjit Singh @ Sonu, and Toyota Innova car No. PB01-A-0904 owned by the co-accused Malkit Singh @ Laddu and stolen unnumbered Hyundai Creta car (original number is DL-12-CL-9415 and stolen from Delhi provided by Rajwinder Singh @ Happy.”*

“Role of Rajwinder Singh @ Happy: *During the course of investigation, it has been found that co-accused Rajwinder Singh was an active member of the gang operated by co-accused Ranjit Singh @ Rana*

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and Malkit Singh @ Laddu. He had provided a stolen Hyundai Creta car with fake number plates actual number No. DL-12-CL-9415) to co-accused Amandeep Singh@Sonu and Davinder Kumar @ Shah to transport consignment of Heroin to Amritsar after procuring the same at Naushera from co-accused Sikhander Hayat and Jafar Iqbal TAR and also used to purchase Heroin from them for further sale to his Kir ashi customers.”

5.1. Learned State counsel has further submitted that petition(s) in hand do not meet the rigors of Section 37 of the NDPS Act and are, thus, liable to be rejected on this score alone. The petitioner(s) have suffered incarceration of more than 03 years. Learned State counsel has further iterated that, in case, the petitioners are afforded concession of regular bail, there is all the likelihood that they may abscond from the process of justice as also interfere with the prosecution evidence/witnesses. On the strength of these submissions, dismissal of petitions in hand is entreated for.

6. I have heard counsel for the rival parties and perused the paper-book as also the record produced before me.

7. Before delving further into the merits of the case, it would be apposite to refer herein to the following case-law germane to the matter(s) in issue:

i) The Hon’ble Supreme Court in the case of ***Union of India versus Namdeo Ashruba Nakade, Special Leave to Appeal (Crl.) No.9792/2025***, has held as under:

“8. This Court is of the view that the issue of substance abuse has emerged as a global public health crisis in the twenty-first century, affecting every country worldwide, as drug trafficking and addiction have become pervasive. The United Nations Office on Drugs and Crime (UNODC) reported in its 2025 World Drug Report that “As at 2023, some 316 million people worldwide had used drugs in the past year, representing an increase over the past decade that outpaces population growth, which indicates a higher prevalence of drug use.”

9. In India, there has been a concerning increase in drug abuse among the youth. Substance abuse not only affects individuals,

families, and communities but also undermines various aspects of health including physical, social, political, cultural foundations, and mental well-being. (See: “Bhattacharya S, Menon GS, Garg S, Grover A, Saleem SM, Kushwaha P. The lingering menace of drug abuse among the Indian youth – it’s time for action. Indian J Community Med 2025;50:S9-12, published on 17th April, 2025”)

10. According to many news reports, India faces a clear dilemma between tackling the narcotics crisis systematically or sacrificing its most valuable resource i.e. its young people. The extent of menace of drug abuse has also been highlighted by this Court in the case of *Ankush Vipin Kapoor v. National Investigation Agency*, (2025) 5 SCC 155 wherein this Court has observed as under:

“9.1 The ills of drug abuse seem to be shadowing the length and breadth of our country with the Central and every State Government fighting against the menace of substance abuse. The debilitating impact of drug trade and drug abuse is an immediate and serious concern for India. As the globe grapples with the menace of escalating Substance Use Disorders (“SUD”) and an ever accessible drug market, the consequences leave a generational Page 75 of 84 imprint on public health and even national security. Article 47 of the Constitution makes it a duty of the State to regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. The State has a responsibility to address the root causes of this predicament and develop effective intervention strategies to ensure that India’s younger population, which is particularly vulnerable to substance abuse, is protected and saved from such menace. This is particularly because substance abuse is linked to social problems and can contribute to child maltreatment, spousal violence, and even property crime in a family.”

11. In the present case, this Court finds that though the Respondent-accused was in custody for one year four months and charges have not been framed, yet the allegations are serious inasmuch as not only is the recovery much in excess of the commercial quantity but the Respondent-accused allegedly got the cavities ingeniously fabricated below the trailer to conceal the contraband.

12. Prima facie this Court is of the opinion that the Respondent-accused is involved in drug trafficking in an organized manner. Consequently, no case for dispensing with mandatory requirement of Section 37 of the NDPS Act is made out in the present matter.

13. Moreover, this Court is of the view that as the accused has been charged with offences punishable with ten to twenty years rigorous imprisonment, it cannot be said that the Respondent has been incarcerated for an unreasonably long time.”

ii) Further, the Hon'ble Supreme Court in the case of ***Union of India versus Vigin K. Varghese, Special Leave Petition (Crl.) No(s).7768 of 2025***, has held as under:

“15. At this stage, two features stand out. The High Court's conclusion that there is no material to show that the applicant had any knowledge of the cocaine in the consignment has been arrived at without discussion of the statements of the respondent and circumstances relied upon by the prosecution, including the assertion that the respondent had placed the orders for import, controlled the logistics chain, coordinated with the overseas supplier, and was present when the consignment was opened. The High Court has not examined whether those circumstances, taken at face value for the limited purpose of bail, could prima facie indicate conscious control or involvement sufficient to attract the presumption of culpable mental state indicated under Section 35 of the NDPS Act.

16. Further, while granting bail, the High Court recorded that there were no antecedents against the applicant. The material before this Court includes the Union's assertion that the respondent had already been apprehended in connection with an earlier seizure of approximately 198.1 kilograms of Methamphetamine and 9.035 kilograms of Cocaine allegedly imported through the same channel only days before the present seizure. That assertion is neither noticed nor answered in the impugned orders.

17. The High Court then, on the strength of those premises, recorded a finding that there exist reasonable grounds to believe that the applicant is not guilty of the alleged offence, treating prolonged incarceration and likely delay as the justification for bail. Such a finding is not a casual observation. It is the statutory threshold under Section 37(1)(b)(ii) which would disentitle the discretionary relief and grant of bail must necessarily rest on careful appraisal of the material available. A conclusion of this nature, if returned without addressing the prosecution's assertions of operative control and antecedent involvement, risks trenching upon appreciation of evidence which would be in the domain of trial court at first instance.”

iii) This Court in the case of ***Jaswinder Singh alias Kala versus State of Punjab***, passed in ***CRM-M-33729-2025 (2025:PHHC:089161) = 2025 SCC OnLine P&H4537***, after relying upon the *ratio decidendi* of the judgments of the Hon'ble Supreme Court in ***Union of India vs. Thamisharasi & Ors, 1995(4) SCC 190, Customs, New Delhi vs. Ahmadalieva Nodira,***

2004 (3) SCC 549, Union of India vs. Shri Shiv Shanker Kesari, 2007(4) RCR(Criminal) 186, Satpal Singh vs. State of Punjab, 2018 (13) SCC 813, Narcotics Control Bureau vs. Mohit Aggarwal, 2022 LiveLaw (SC) 613, Mohd. Muslim @ Hussain vs. State (NCT of Delhi) 2023 LiveLaw (SC) 260, Narcotics Control Bureau vs. Kashif, 2024 INSC 1045, Usmanbhai Dawoodbhai Memon vs. State of Gujarat, 1988(1) RCR(Criminal) 540, Ranjitsing Brahmajeetsing Sharma vs. State of Maharashtra & Anr. 2005(5) SCC 294, Central Bureau of Investigation vs. Vs. Vijay Sai Reddy, 2013(3) RCR (Criminal) 252, Municipal Corporation of Delhi vs. M/s Jagan Nath Ashok Kumar and another, 1987(4) SCC 497, Gujarat Water Supply and Sewerage Board vs. Unique Erectors (Gujarat) (P) Ltd., and another, 1987(1) SCC 532, Collector and others vs. P. Mangamma and others, 2003(4) SCC 488, Commissioner of Income-tax, Delhi vs. S. Teja Singh, 1958 SCC Online SC 30, Management of Advance Insurance Co. Ltd. Vs. Shri Gurudasmal and others 1970(1) SCC 633, Tinsukhia Electric Supply Co. Ltd. Vs. State of Assam, 1989(3) SCC 709 and Commissioner of Income Tax vs. Hindustan Bulk Carriers, 2003(3) SCC 57; has held, thus:

“14. As a sequitur to above-said rumination, the following postulates emerge:

- (I) (i) A bail plea on merits; in respect of an FIR under NDPS Act of 1985 involving offence(s) under Section 19 or Section 24 or Section 27-A thereof and for offence(s) involving commercial*

quantity; is essentially required to meet with the rigour(s) of Section 37 of NDPS Act.

(ii) The rigour(s) of Section 37 of NDPS Act do not apply to a bail plea(s) on medical ground(s), interim bail on account of any exigency including the reason of demise of a close family relative etc.

(iii) The rigour(s) of Section 37 of NDPS Act pale into oblivion when bail is sought for on account of long incarceration in view of Article 21 of the Constitution of India i.e. where the bail-applicant has suffered long under-trial custody, the trial is procrastinating and folly thereof is not attributable to such bail-applicant.

II. The twin conditions contained in Section 37(1)(b) of NDPS Act are in addition to the conditions/parameters contained in Cr.P.C./BNSS or any other applicable extant law.

III. The twin conditions contained in Section 37(1)(b) of NDPS Act are cumulative in nature and not alternative i.e. both the conditions are required to be satisfied for a bail-plea to be successful.

IV. For consideration by bail Court of the condition stipulated in Section 37(1)(b)(i) of NDPS Act i.e. "there are reasonable grounds for believing that he is not guilty of such offence":

(i) The bail Court ought to sift through all relevant material, including case-dairy, exclusively for the limited purpose of adjudicating such bail plea.

(ii) Such consideration, concerning the assessment of guilt or innocence, should not mirror the same degree of scrutiny required for an acquittal of the accused at the final adjudication & culmination of trial.

(iii) Plea(s) of defence by applicant-accused, if any, including material/documents in support thereof, may be looked into by the bail-Court while adjudicating such bail plea.

V. For consideration of the condition stipulated in Section 37(1)(b)(ii) i.e. 'he is not likely to commit any offence while on bail':

(i) The word 'likely' ought to be interpreted as requiring a demonstrable and substantial probability of re-offending by the bail-applicant, rather than a mere theoretical one, as no Court can predict future conduct of the bail-applicant.

(ii) The entire factual matrix of a given case including the antecedents of the bail-applicant, role ascribed to him, and the nature of offence are required to be delved into. However, the involvement of bail-applicant in another NDPS/other offence cannot ipso facto result in the conclusion of his propensity for committing offence in the future.

(iii) The bail-Court may, at the time of granting bail, impose upon the applicant-accused a condition that he would submit, at such regular time period/interval as may stipulated by the Court granting

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bail, an affidavit before concerned Special Judge of NDPS Court/Illaq (Jurisdictional) Judicial Magistrate/concerned Police Station, to the effect that he has not been involved in commission of any offence after being released on bail. In the facts of a given case, imposition of such condition may be considered to be sufficient for satisfaction of condition enumerated in Section 37(1)(b)(ii).

VI. *There is no gainsaying that the nature, mode and extent of exercise of power by a Court; while satisfying itself regarding the conditions stipulated in Section 37 of NDPS Act; shall depend upon the judicial discretion exercised by such Court in the facts and circumstances of a given case. No exhaustive guidelines can possibly be laid down as to what would constitute parameters for satisfaction of requirement under Section 37 (ibid) as every case has its own unique facts/circumstances. Making such an attempt is nothing but a utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such matter.”*

8. The petitioner(s) (in CRM-M-59929-2024, CRM-M-11538-2025 and CRM-M-31901-2025) were arrested on 29.08.2021, the petitioner (in CRM-M-40143-2025) was arrested on 01.09.2024 and the petitioner (in CRM-M-7556-2025) was arrested on 06.12.2022. Upon culmination of investigation, challan stands presented *qua* petitioner(s) on different dates. Out of total cited 36 prosecution witnesses, 05 have been examined till date. The trial is underway. Indubitably, the petitioner(s) are involved in the FIR in question pertaining to alleged recovery of 21 Kilograms 70 grams Heroin, i.e. commercial quantity as per NDPS Act, 1985. From the rival submissions as also the material brought forth before me, no *nay* plausible cause is made out in favour of the petitioner(s) to meet with the rigors of Section 37 of the NDPS Act. Hence, keeping in view the entirety of the factual *milieu* of the case in hand; especially the contraband alleged to be recovered being 21 Kilograms 70 grams of Heroin apart from drug money and other items; the petition(s) in hand deserve to be **dismissed**.

9. Ordered accordingly.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 24, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No