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

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CRM-M-58341-2025 (O&M)
Date of decision : 06.02.2026

Jobanjit Singh @ Kaka @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sachin Ohri, 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 FIR No. 122 dated 17.11.2024, registered under Sections 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 10, 11 and 12 of the Air Craft Act at Police Station Sarai Amanat Khan, District Tarn Taran.

2. Brief facts of the case relevant for the disposal of the present petition are that on 17.11.2024, Inspector Keshabananda Deba Burgohain, Officiating Company Commander of BSF met ASI Satpal Singh, who along with other police officials, was on patrolling duty. The Officer of the BSF handed over one drone make DJI Mavic 2 Classic and a polythene bag weighing 570 grams. On opening the said bag, the same was found to be containing heroin. The articles were taken into custody. The actual weight of the contraband was found to be 506 grams. The present FIR was registered and

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investigation proceedings were initiated. During investigation, on 30.11.2024, a secret information was received that the aforesaid drone and contraband were brought by accused Ranjit Singh and petitioner Jobanjit Singh as they had relations with Pakistani smugglers. On the basis of the same, the petitioner and aforesaid Ranjit Singh were nominated in this case as accused and were arrested on the same day i.e. 30.11.2024. They suffered disclosure statements admitting their involvement in the subject crime and that they were involved in cross border smuggling of contraband through drones. Some other persons were also nominated in this case on the basis of the disclosure statements suffered by petitioner and co-accused. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences.

3. It is argued by learned counsel for the petitioner that he was neither found at the spot nor was named in the FIR. He has been nominated in this case only on the basis of a secret information allegedly received by the investigating officer. No contraband has been recovered from him. He has clean antecedents. There is nothing on record to show that the petitioner was involved in the subject crime in any manner. Even otherwise, investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time as no prosecution witness has been examined so far. The petitioner is in custody since long. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

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4. Status report along with the custody certificate of the petitioner 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, he is not entitled to get benefit of bail as Section 37 of the NDPS Act would be attracted in this case. 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 the present case as there is recovery of commercial quantity of contraband.

7. The petitioner was neither named in the FIR nor apprehended at the spot. His implication in the present case is solely on the basis of secret information and disclosure statements, which by themselves are weak pieces of evidence at the stage of bail, particularly in the absence of any recovery effected from the petitioner. It is also not disputed that no contraband has been

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recovered from his conscious possession. The investigation in the present case stands completed and the challan has already been presented before the learned trial Court. The petitioner has remained in custody since 30.11.2024 and the trial is yet to commence as no prosecution witness has been examined so far. In such circumstances, continued incarceration of the petitioner would amount to pre-trial punishment. This Court is also of the view that, at this stage, there are reasonable grounds to believe that the petitioner is not prima facie guilty of the alleged offence and that he is not likely to commit any offence while on bail. The conditions stipulated under Section 37 of the NDPS Act, therefore, stand satisfied in the peculiar facts and circumstances of the present case. 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.

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.

06.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No