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**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.60661 of 2025

Date of Decision: 23.02.2026

Sukhchen Singh @ Sukhchain Singh**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. P.S. Sekhon, Senior Advocate with
Mr. Parshant, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court by way of present second petition praying for granting him regular bail in case FIR No.141 dated 06.04.2025 under Sections 18, 21-C and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Nissing, District Karnal.

2. Succinctly the facts of the case are that on 06.04.2025, the police party while on patrolling, received a secret information to the effect that Sukhchain Singh (petitioner) used to sell some product in a room adjoining to his house in village Dachar, which is prepared from mixture of intoxicant substance opium, called *Gattu* and in case raid is conducted, he could be arrested along with *Gattu*. On receiving the information, the raiding party was constituted and they reached at the room of Sukhchain Singh. On seeing the police party, one person who



was present in the room, tried to escape from there, however, the police party apprehended him. On asking, he disclosed his name to be Sukhchain Singh (present petitioner). On suspicion, search was conducted. On conducting the search, 09 bottles containing *gattu* weighing .872 ml. each (total weight 7.848 ltr.), were recovered. He failed to produce any licence regarding possession of the same and thus, the FIR was registered and he was arrested on spot. Investigation commenced. Samples taken were sent to the FSL. On receipt of FSL report, challan was presented, charges were framed and on framing of charges, trial commenced. The petitioner approached learned Additional Sessions Judge-cum-Exclusive Court For Fast Track of offences under NDPS Act, Karnal for grant of bail, however, after hearing both the sides, the same was declined by the trial Court, Karnal vide order dated 08.07.2025. Aggrieved by the same, petitioner earlier approached this Court by way of filing of CRM-M-36511-2025 and the same was declined vide order dated 17.07.2025. Hence, the petitioner is before this Court by way of filing the present second petition.

3. It has been contended by learned Senior counsel for the petitioner that the present FIR has been registered on the basis of secret information, however, there is violation of Section 42 of the NDPS Act. He submits that the sample were taken from one bottle only whereas actual content of remaining 08 bottles was never examined. He submits that the recovered contraband was found to be containing Morphine, Codeine, Thebaine, Narcotine, Papaverine and Meconic acid, which are



the natural components of poppy plant and these all components were mixed in alcohol. He submits that as per the FSL report, alcohol is lighter than water and maximum quantity of alcohol was present in the sample which was mixed with the poppy plant. It is submitted that in the FSL report, nothing has been mentioned about the percentage of morphine in the same and thus, framing of charge under Section 18 of NDPS Act, is not substantiated. He has further relied upon the judgment of Hon'ble the Supreme Court passed in '*Sentu Seikh Vs. State of West Bengal*' and submits that just to make the present case under the NDPS Act, the police themselves added poppy plant in the samples of bottles, which were not even sealed and there is no charge under the Excise Act. He, thus, in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. Status report by way of affidavit of Mr. Sandeep Kumar, HPS, Deputy Superintendent of Police (HQ), Karnal has been filed on behalf of respondent-State in the Court today, same is taken on record. Copy thereof has been supplied to the learned counsel opposite.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned Senior counsel for the petitioner. He has produced the custody certificate of the petitioner. It is submitted that recovery of 09 bottles containing *gattu* (opium mixture) were effected from the conscious possession of the petitioner, weighing 7.968 kgs, falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He submits that as per the



FSL report, 2.5% w/w Morphine has been detected in the sample and thus, charges under Sections 18 and 21 of NDPS Act, were framed. He further submits that the petitioner is involved in 02 more FIRs for the commission of offence of similar nature. He submits that specific role has been attributed to the petitioner for commission of alleged offence. He has thus submitted that no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged contraband *Gattu* (opium mixture) in 09 bottles was recovered from the possession of the petitioner. As per the FSL report dated 09.05.2025 produced in the Court today, 2.5% w/w Morphine has been detected in the sample and thus, charges under Sections 18 and 21 of NDPS Act, were framed against the petitioner. The alleged contraband recovered in the present case falls within the ambit of commercial quantity and as per law laid down by Hon'ble the Supreme Court in case of '*Hira Singh Vs. Union of India 2020(2)RCR (Criminal) 523*', in case of seizure of mixture of Narcotic Drugs or Psychotropic Substances with one or more neutral substance(s), quantity of neutral substance(s) is not to be excluded while determining 'small or commercial quantity' of Narcotic Drugs or Psychotropic Substance.

7. Perusal of the status report would show that the petitioner himself deposed in his statement that he purchased the said contraband from one Atul Parikh and confessed the commission of offence. So far as



the contention raised by Senior counsel for the petitioner that samples were taken from one bottle only, is concerned, from order dated 08.07.2025 passed by Id. trial Court, it is clear that during investigation, case property was produced before Id. Magistrate and contents of entire 09 bottles were mixed with each other and sampling was done after making the mixture homogeneous. Custody certificate produced would show that the petitioner has suffered incarceration of 10 months and 15 days as on 22.02.2026. It further reflects that the petitioner is involved in 01 more case which is registered for the similar offence but he is on bail in the said case. However, as per status report, petitioner is involved in 02 more cases for the commission of offence of similar nature and thus, it appears that the petitioner is habitual of committing such offences and used to sell contraband of commercial quantity. Further, the judgment passed in *Sentu Seikh's* case (*supra*) relied upon by the counsel for the petitioner is distinguishable from the facts of the present case.

8. Keeping in view the above said position, this Court does not find any ground to release the petitioner on bail, at this stage. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

23.02.2026

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