

2026:PHHC:042791



CRM-M-65210-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(117) CRM-M-65210-2025 (O & M)

Date of decision: 18.03.2026

(Through VC)

Pardeep Kumar Gupta

..... Petitioner(s)

V/s

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harjinder Singh, Advocate,
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 483 of BNSS is for the grant of regular bail in case bearing FIR No.494 dated 25.07.2025 under Section 20 of the NDPS Act registered at Police Station Chandni Bagh, District Panipat.

2. The brief facts of the case are that the petitioner-Pardeep Kumar Gupta and one Sumit came to be apprehended with 11 kgs. 04 grams and 956 grams of ganja respectively.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recovery effected from the petitioner is of intermediate quantity. There is a violation of mandatory provisions of the NDPS Act regarding search and seizure including Section 42 and Section 50. As the petitioner is in custody since

25.07.2025 but only 01 out of the 14 prosecution witnesses has been



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examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. On the other hand, the learned State counsel has filed a status report dated 30.01.2026 which is taken on record. While referring to the said status report, he contends that the allegations against the petitioner are serious. The petitioner is a habitual offender as he is an accused in 01 other case arising out of FIR No.179/2017 under Section 20 of the NDPS Act, Police Station Crime Branch Delhi. 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 detail of another FIR registered against the petitioner is as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station	Status
1.	FIR No.179/2017	20 NDPS Act	Crime Branch, Delhi	Not Available as per status report dated 30.01.2026

8. Apparently, the petitioner is a habitual offender with one more case registered against him under the NDPS Act.

9. 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:-



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“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.”

10. 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.



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11. 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.
12. Therefore, I do not deem it appropriate to grant them the concession of bail and hence, the present petition stands dismissed.
13. 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.
14. The pending application(s), if any, shall stand disposed of accordingly.

March 18, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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