IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

114 CRM-M-71002-2025

Nishan Singh ....Petitioner

V/s

State of Punjab ....Respondent

Date of decision: 03.02.2026

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CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shelly Sharma, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 of Cr.P.C. read with Section 483 of the Bharatiya Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.107 dated 04.10.2022, registered for the offences punishable under Sections 21, 27-A and 29-61-85 of the NDPS Act, Section 25-54-59 of the Arms Act and Section 3, 4, 5 of Explosive Act (added later on) at Police Station Ramdas, District Amritsar Rural, Punjab.

2. The prosecution case, as emerging from the record, is that on 04.10.2022, ASI Ajaypal Singh, SHO, Police Station Ramdas, District Amritsar (Rural), along with other police officials, was present at Bus Stop Thoba in connection with patrolling and checking of bad elements. At that time, he received a secret information to the effect that Satnam Singh @ Satta son of Jaswant Singh, resident of Naushera Panvan (an absconder), Lakhbir Singh @ Landa son of Niranjan Singh, resident of Harike, Harinder Singh @ Rinda son of Charan Singh, resident of Nanded, now Pakistan and

Harpreet Singh @ Happy son of Darbara Singh, resident of Miadi Kalan, now Malaysia, who were residing abroad were indulging in smuggling of heroin and arms-ammunition into India and supplying the same to various places with the intent to carry out extremist activities in the country with the help of their associates based in India. It was further informed that one of their associates, namely Jograj Singh @ Joga @ Jog son of Balbir Singh, resident of village Rajoke was acting at their behest and as per their instructions and with the assistance of other associates was engaged in supplying heroin and arms-ammunition to different places. Furthermore, the said Jograj Singh was coming in a white Honda Civic car towards Ramdas side for the purpose of supply of heroin and arms-ammunition and if apprehended, contraband and illegal arms could be recovered from him. Acting upon the said information, ASI Ajaypal Singh along with the accompanying police officials laid a *naka* at Village Malakpur near T-Point Dhusi Bridge. After some time, a white Honda Civic car bearing registration No. PB-29-K-8501 was noticed coming from the side of village Chaharpur. The said vehicle was signalled to stop whereupon the driver stopped the car at some distance and attempted to flee while alighting from the vehicle carrying a cross-bag around his neck. He was apprehended by ASI Ajaypal Singh with the help of other police officials and on inquiry disclosed his identity as Jograj Singh @ Joga @ Jog son of Balbir Singh, resident of village Rajoke. The said accused was informed of his legal right under Section 50 of the NDPS Act to be searched before a Magistrate or a Gazetted Officer. On his consent, Sh. Sanjeev Kumar, PPS, Deputy Superintendent of Police, Ajnala, Amritsar (Rural), was called at the spot, who also apprised the accused of his legal right. The accused reposed his faith in the said Gazetted Officer and, thereafter, his personal search was conducted in the presence of Sh. Sanjeev Kumar, PPS. During the search of the cross-bag carried by the accused, two plastic packets containing one kilogram each, totaling 02 kilograms of heroin, along with Indian currency amounting to ₹1,00,000/- were recovered. The recovered contraband was converted into separate parcels and sealed with seal impressions 'AS' and 'SK' by ASI Ajaypal Singh and the Deputy Superintendent of Police. Thereafter, on further personal search of the accused, one .30 bore pistol loaded with six live cartridges, tucked in his waistband was recovered. The accused failed to produce any licence or authority for possession of the said arms and ammunition. The pistol and cartridges were sealed after preparing the requisite sketch and were taken into possession along with the vehicle and other articles, in accordance with law. Consequently, FIR in question under Sections 21, 27-A, 29, 61 and 85 of the NDPS Act and Sections 25, 54 and 59 of the Arms Act was registered at Police Station Ramdas, District Amritsar (Rural), and the accused Jograj Singh @ Joga @ Jog was arrested. During the course of investigation, the said accused Jograj Singh made a disclosure statement to the effect that his accomplices, namely Gurpavitar Singh @ Sai and Lakhbir Singh @ Landa had supplied him one tiffin bomb and two assault rifles, which he had buried on the bank of a water stream at village Dhatal and could get the same recovered. Pursuant thereto, one plastic sack containing a tiffin bomb buried under a tree on the bank of the water stream at village Dhatal was recovered. The Bomb Disposal Team headed by ASI Santokh Lal was summoned and the tiffin bomb was diffused. The components of the bomb, including an iron box, timer, detonator and white explosive material weighing approximately 1.5 kg, were sealed and taken into possession. Further, on the basis of another disclosure statement, a plastic sack buried on the bank of a water stream at village Peer Mohammad on the road from Makhu to Moga was recovered, which was found to contain two assault rifles, each loaded with fifteen live cartridges. Sketches of the weapons were prepared and the arms and ammunition were sealed and taken into possession. Consequently, offences under Sections 3, 4 and 5 of the Explosive Substances Act were added. During further investigation, accused Jograj Singh @ Joga and Gurpavitar Singh @ Sai made disclosure statements on the basis of which Gurjant Singh @ Bholu, Ajaypal Singh, Gurmeet Singh @ Meet, Nishan Singh (petitioner herein), Sachin, Manbir Singh, Rashpal Singh @ Dana and Puran Singh @ Puna were also nominated as accused in the present case. The petitioner was arrested on 12.09.2024.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and has no direct or indirect connection with the alleged recovery. Learned counsel has further iterated that the petitioner was neither named in the FIR nor in the secret information. According to learned counsel, no recovery whatsoever of any contraband, arms or explosive substance has been effected from the possession of the petitioner. Learned counsel argued that the entire case against the petitioner rests solely on the disclosure statement of the co-accused, which is inadmissible in evidence and cannot form the basis of his continued incarceration. It has been further contended that there is no

independent corroborative material on record such as call detail records, financial transactions, surveillance evidence or recovery at the instance of the petitioner to substantiate the prosecution allegations. Learned counsel has emphasized that the petitioner was already in judicial custody during the period when the alleged transactions are stated to have taken place and, therefore, his involvement in the alleged offence is factually impossible. Furthermore, the nomination of the petitioner at a belated stage, nearly 02 years after the registration of the FIR, is arbitrary and sheer abuse of process of law. Learned counsel has asserted that the petitioner has already undergone a substantial period of custody and the trial is likely to take a considerable time to conclude in view of the large number of prosecution witnesses cited by the prosecution. It has been further argued that the petitioner is not required for any further investigation and that there is no likelihood of tampering with evidence or influencing witnesses if he be granted the concession of regular bail. Learned counsel has also laid emphasis on the principle of parity and contends that similarly situated co-accused have already been granted the concession of regular bail by this Court and hence the petitioner is also entitled to the same relief. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra,* learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature as the present case pertains to recovery of a commercial quantity of heroin along with illegal arms and explosive substances thereby affecting the security of the State and public order.

Learned State counsel has iterated that the rigours of Section 37 of the NDPS Act are squarely attracted and the petitioner has failed to satisfy the twin conditions mandated therein. Learned State counsel has further contended that the petitioner is an active participant in an organised syndicate engaged in smuggling of narcotics, arms and explosives with cross-border links as is evident from the material collected during investigation. According to learned State counsel, the involvement of the petitioner has surfaced during the course of investigation through disclosure statements which led to recovery of highly incriminating material including a tiffin bomb and assault rifles and such disclosures cannot be discarded at the stage of consideration of regular bail. Furthermore, the absence of recovery from the petitioner does not dilute his culpability in a case involving conspiracy and organised crime particularly when the role attributed to him is of supply and facilitation. According to learned counsel, the implication of the petitioner is not based merely on the disclosure statement of the co-accused but is duly supported by recovery effected during the course of investigation and other incriminating material collected by the investigating agency. Learned State counsel has emphasized that the petitioner is a habitual offender and is involved in several other serious criminal cases of similar nature which clearly reflects his tendency to commit offences if enlarged on bail. It has been further argued that there is a reasonable apprehension that, if granted the concession of regular bail, the petitioner may abscond, influence witnesses or indulge in similar criminal activities. Learned State counsel seeks to place on record custody certificate dated 02.02.2026 in Court today, which is taken on record. As per the said custody, the petitioner has suffered incarceration of 01 year, 04 months and 21 days. On the strength of these submissions, the dismissal of the instant petition is prayed for.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. Before delving further into the merits of the case, it would be apposite to refer herein to the following case-law(s) germane to the matter 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."*
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> *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")*
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> *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 Vipan Kapoor v. National Investigation Agency, (2025) 5 SCC 155 wherein this Court has observed as under:*
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> > *"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."*
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> *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 trailor to conceal the contraband.*
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> *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.*
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> *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.*
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> *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.*
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> *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&H 4537***; 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":*
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> *(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 bail, an affidavit before concerned Special Judge of NDPS Court/Illaqa (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.*"

7. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court

titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490,*** relevant whereof reads as under:

> *"14. It is well settled that the matters to be considered in an application for bail are (i)whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused;(vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see* ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280*** *and* ***Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179****). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in* ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** *:"The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*
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> *a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
>
> *b. Reasonable apprehension of tampering with the witness or apprehension ofthreat to the complainant.*
>
> *c. Prima facie satisfaction of the* ***court*** *in support of the charge. (see* ***Ram GovindUpadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 andPuran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338."***

This Court also in specific terms held that :

"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High ***Court*** *has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."*

In ***Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143,*** *this Court observed :*

"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation."

8. Indubitably, serious allegations have been levelled against the petitioner. As per the prosecution, the present FIR has been registered on the basis of a secret information received by the police on 04.10.2022 pursuant to which a *naka* was laid and co-accused Jograj Singh @ Joga @ Jog was apprehended while travelling in a car. From his possession, commercial quantity of heroin weighing 02 kilograms, Indian currency amounting to ₹1,00,000/- and .30 bore pistol alongwith live cartridges were recovered.

During the course of investigation, the disclosure statement(s) led to the recovery of a tiffin bomb and two assault rifles loaded with live cartridges, which resulted in addition of offences under the Explosive Substances Act. The allegation(s), therefore, do not pertain merely to the alleged possession of Narcotic substances but an organised criminal activity involving arms and explosive material which has serious implications for public safety as also for the national security. The plea(s) of the petitioner that he was not named in the FIR; no recovery has been effected from him as also his implication is based solely on disclosure statements of co-accused cannot, at this stage, absolve the petitioner of the serious allegations contained in the FIR. Furthermore, it is well settled that at the stage of consideration of plea for regular bail, particularly in cases involving commercial quantity under the NDPS Act, this Court is not required to conduct a detailed examination of the admissibility or reliability of evidence. The role attributed to the petitioner is that of a supplier and facilitator and the absence of recovery is not, by itself, important.

9. The contention that the petitioner was nominated at a belated stage also does not help the case of the petitioner at this stage. Investigation in case involving organised syndicates often unfold gradually and the involvement of different accused often comes to light as the investigation progresses. The record further indicates that recoveries of arms and explosive material were effected pursuant to disclosure statement(s) and the name of the petitioner has surfaced during this process which in the considered opinion of this Court cannot be brushed aside completely. Moreover, this Court also cannot overlook the statutory embargo contained

in Section 37 of the NDPS Act. In order to grant bail, the Court must be satisfied that there are reasonable grounds to believe that the accused is not guilty of the offence and that he is not likely to commit any offence while on bail. From the material available on record, the allegations against the petitioner point toward his active participation in a serious and well-organised criminal network.

10. Another important *nay* significant factor which deserves to be considered at this stage is the criminal antecedents of the petitioner which reflect his involvement in multiple other criminal cases. Though mere pendency of cases is not a ground to deny the bail but the likelihood of repetition of offence or misuse of liberty cannot be ruled out at this stage. In the present case, the antecedents of the petitioner do raise a legitimate concern regarding the potential risk if he is released on bail. The plea of the parity also does not persuade this Court to take a different view. In the considered opinion of this Court, the principle of parity cannot be claimed as a matter of right and must be examined in the light of the role attributed, antecedents and overall circumstances of each accused. The petitioner stands on a different footing and therefore, the grant of regular bail to co-accused does not automatically entitle him to the same relief. The grant of regular bail to certain co-accused by this Court does not *ipso facto* entitle the petitioner to the same relief. The plea for grant of regular bail is to be considered on the basis of the specific role attributed to each accused, the nature of allegations, the material collected during the course of investigation and the individual criminal antecedents. The principle of parity cannot be applied in a mechanical manner, particularly in cases involving

conspiracy and organised criminal activity. The role of the petitioner, as alleged by the prosecution coupled with his criminal antecedents place him on a distinct footing from co-accused who have been granted the concession of bail. Therefore, the order granting bail to other accused persons neither confer any right nor be considered as a relevant/determinative factor to claim regular bail.

11. In the considered opinion, the Court must primarily see whether there exists reasonable material connecting the accused to the offence. In the considered opinion of this Court, the allegations raised against the petitioner as also the addition of offences under the Explosive Substances Act disentitle him to the discretionary relief of regular bail. Furthermore, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence placed on record. The Court cannot accept the plea of the petitioner of false implication merely based on assertions without evidence. The petitioner has been in custody since 12.09.2024 but custody, by itself, is not a ground for bail when the allegations are serious in nature.

12. In view of the seriousness of the allegations coupled with the nature of the offence, the role attributed to the petitioner & the statutory bar under the NDPS Act, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail in the factual *milieu* of the case in hand.

13. In view of the prevenient ratiocination, it is ordained thus:

(i) The present petition is devoid of merit and is hereby dismissed.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

February 03, 2026
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No