

2026:PHHC:024791



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-71251-2025

Date of decision: 17.02.2026

RAJU SINGH & ANOTHER

.... Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Sekhon, Sr. Advocate with
Mr. Laghuinder Singh Sekhon, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for the grant of regular bail to the petitioner in case FIR No.69 dated 26.02.2025 registered under Sections 22 & 29 of NDPS Act at Police Station City Barnala, District Barnala

2. The petitioners were apprehended and the recovery of 38 loose intoxicant tablets came to be effected from them. On the basis of their interrogation, Palo Kaur was nominated as an accused. However, no recovery was effected from her person.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the NDPS Act regarding search and seizure

including Section 50 of the NDPS Act. The prosecution version is inherently

unbelievable. As the petitioner is in custody since 26.02.2025 but only 02 out of the 14 prosecution witnesses have been 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 contends that the petitioners are habitual offenders. Petitioner No.1 is an accused in 03 other cases arising out of FIR No.238 dated 22.04.2020 U/s 22/29/61/85 NDPS Act, P.S. City Barnala, FIR No.37 dated 28.03.2020 U/s 21/29/61/85 of NDPS Act, P.S. Sadar Rampura and FIR No.270 dated 07.06.2024 U/s 21, 29 NDPS Act, P.S. City Barnala. Petitioner No.2 is an accused in 04 other cases arising out of FIR No.184 dated 06.05.2022 U/s 21/22/61/81 of NDPS Act, P.S. City Barnala, FIR No.129 dated 30.03.2023 U/s 21, 22/61/85 of NDPS Act, P.S. City Barnala, FIR No.23 dated 02.02.2023 U/s 22/61/85 of NDPS Act, P.S. City Barnala and FIR No.518 dated 26.12.2019 U/s 21/61/85 of NDPS Act, P.S. City Barnala. The instant petition is the 2nd bail on behalf of the petitioners, the last one having been withdrawn on 07.08.2025 (Annexure P-3). Therefore, keeping in view the antecedents of the petitioners, they are 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. This is the 2nd bail petition on behalf of the petitioners. The details of their earlier bail applications is as under:-

Sr. No.	Bail Application	Date of Decision
1.	CRM-M-32245-2025	Dismissed as withdrawn on 07.08.2025

7. The details of other FIRs registered against the petitioners are as under:-

Petitioner No.1			
Sr. No.	FIR Nos. and date	Sections	Police Station
1.	238 dated 22.04.2020	22/29/61/85 NDPS Act	City Barnala
2.	FIR No.37 dated 28.03.2020	21/29/61/85 of NDPS Act	Sadar Rampura
	FIR No.270 dated 07.06.2024	21, 29 NDPS Act	P.S. City Barnala

Petitioner No.2				
Sr. No.	FIR Nos. and date	Sections	Police Station	Status
1.	FIR No.184 dated 06.05.2022	21/22/61/81 of NDPS Act	City Barnala	Undertrial
2.	FIR No.129 dated 30.03.2023	21, 22/61/85 of NDPS Act,	City Barnala,	Undertrial
3.	FIR No.23 dated 02.02.2023	22/61/85 of NDPS Act,	City Barnala	Undertrial
4.	FIR No.518 dated 26.12.2019	U/s 21/61/85 of NDPS Act,	City Barnala	Convicted

8. Apparently, the petitioners are serial offenders with multiple other cases registered against them under the NDPS Act. No change in circumstances whatsoever have been pointed out by the counsel for the petitioner after the Ist bail petition of the petitioners came to be argued and withdrawn on 07.08.2025 (Annexure P-3).

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:-

“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.

11. Keeping in view the allegations levelled against the petitioners as well as their antecedents the satisfaction under Section 37 of the NDPS Act that they have not committed an offence and are 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.

(JASJIT SINGH BEDI)
JUDGE

17.02.2026

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