

2026:PHHC:002150



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-73288-2025

Ravi Kumar

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: January 12, 2026

Date of Uploading: January 13, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Tajeshwar Singh Sullar, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to the petitioner in case bearing FIR No.355 dated 05.12.2023, registered for the offences punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’), at Police Station City Rajpura, District Patiala.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 13900 intoxicant tablets contained in 1390 strips each contained 10 strips “TRAMWEL SR”, ingredients detected in the parcel being Tramadol Hydrochloride (weighing 537.6 grams) and 2700 intoxicant

tablets contained in 270 strips each strip contained 10 tablets labeled as ALPRASAFE, ingredients detected in the parcel being Alprazolam (weighing 361.8 grams) from the petitioner.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 05.12.2023. Learned counsel has further submitted that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has iterated that the trial is delayed and the liability thereof cannot be fastened upon the petitioner. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 02 years. Thus, regular bail is prayed for.

4. *Per contra*, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel has further submitted that petition in hand does not meet the rigors of Section 37 of the NDPS Act and is, thus, liable to be rejected on this score alone. Learned State counsel seeks to place on record custody certificate dated 10.01.2026, in the Court today, which is taken on record. As per the said custody, the petitioner has suffered incarceration of more than 02 years & is involved in other FIR(s).

5. I have heard counsel for the rival parties and perused the paper-book as also the record produced before me.

6. Before delving further into the merits of the case, it would be apposite to refer herein to the following case-law germane to the matter(s) 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.”

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”)

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 Vipin Kapoor v. National Investigation Agency*, (2025) 5 SCC 155 wherein this Court has observed as under:

“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.”

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 trailer to conceal the contraband.

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.*

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.

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.

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&H4537, 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”:*
 - (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/Ilaqa (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 petitioner was arrested on 05.12.2023 whereinafter investigation was carried out and challan was presented on 18.05.2024. Out of total cited 11 prosecution witnesses, 01 has been examined partly and 02 have been examined completely till date. The trial is underway. Indubitably, the petitioner is involved in the FIR in question pertaining to commercial quantity of Tramadol Hydrochloride (weighing 537.6 grams) and Alprazolam (weighing 361.8 grams) as per NDPS Act, 1985. From the rival submissions as also the material brought forth before me, no cause is made out in favour of the petitioner to meet with the rigors of Section 37 of the NDPS Act. Hence, keeping in view the entirety of the factual *milieu* of the case in hand; especially the contraband alleged to be recovered being commercial quantity of Tramadol Hydrochloride (weighing 537.6 grams) and Alprazolam (weighing 361.8 grams), and the antecedents of the petitioner, which reflect other FIR(s) against him, and in 02 FIR(s) cases under the NDPS Act, he has been convicted as well; the petition in hand deserves to be dismissed.

8. Ordered accordingly.
9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 12, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No