

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2026:PHHC:042667



CRM-M-73153-2025 (O&M).
Date of decision: 18.03.2026.

DEEPSHI BEHAL

...Petitioner(s)

VERSUS

DIRECTORATE OF REVENUE INTELLIGENCE, LUDHIANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Randeep Singh Waraich, Advocate,
for the petitioner.

Mr. Naman Jain, Senior Standing Counsel, DRI, with
Ms. Vaishali Jain, Advocate, for the respondent-DRI.

VINOD S. BHARDWAJ, J. (Oral)

CRM-12001-2026

Application is allowed as prayed for subject to all just
exceptions.

Status report is taken on record.

The Registry is directed to tag the same at an appropriate place.

Main case

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of pre-arrest bail to the petitioner in case/complaint No.F.No.DRI/LdZU/ 855/INT-6/2025, under Section(s) 8, 21, 22, 28, 29, 37 and 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at IA DRI, Ludhiana Zone, District Ludhiana, Punjab.

The matter came up for hearing on 25.02.2026, when the following order was passed: -

“Learned counsel appearing on behalf of the petitioner contends that the statement of the petitioner was recorded by the Investigating Agency on 03.12.2025, wherein she was questioned with respect to the contents of the medicinal formulation known as “Kamini Vidrawan Ras” which is stated to contain opium extract. It is submitted that the said question was invariably explanatory in its tenor and referred to the scientific nomenclature of opium as Papaver Somniferum. In response thereto, the petitioner specifically answered that she was not aware that the said medicinal formulation contained any substance falling within the ambit of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is thus argued that arguable issues arise as to whether the petitioner can be presumed to have been in conscious possession of any contraband. It is also submitted that the petitioner has already joined the investigation in relation to the offences registered under the Narcotic Drugs and Psychotropic Substances Act, 1985 and the question of culpability would depend upon proof of requisite mens rea.

Counsel appearing on behalf of the respondent contends that a substantial recovery of gold weighing 2,493 grams was

effected from the house of in-laws of the petitioner herein, and the said gold bore foreign stamps. In view of the foreign origin indicated by such marking, the DRI would thus be entitled to question the petitioner with respect to the origin and import status of the said gold in exercise of their powers under the Customs Act. It is contended that the respondent-agency only wants to confront and record the statement of the petitioner as regards the origin and lawful acquisition of the gold in question.

List on 18.03.2026.

In the meanwhile, the petitioner is directed to join investigation on 02.03.2026 at 11:00 a.m. at DRI, Zonal Unit, H. No.213, Rani Jhansi Road, Civil Lines, Ludhiana. In the event of the petitioner joining investigation, she shall be admitted to interim bail by the arresting officer/investigating officer on her furnishing of bail/surety bonds to the satisfaction of the arresting officer/investigating officer. The petitioner(s) shall also abide by the conditions as specified under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) of 2023.”

On resumed hearing today, learned counsel for the petitioner(s) submits that pursuant to the aforesaid order passed by this Court, the petitioner(s) has joined investigation on multiple dates from time to time till date and that custodial interrogation of the petitioner(s) is not required for further investigation of the case.

Counsel appearing for the respondents, on the other hand, contends that it is not in dispute that the petitioner remained present in the office of respondents on 02.03.2026, 03.03.2026, 05.03.2026 and 06.03.2026. It is submitted that even though the petitioner appeared before the respondent authority on the aforesaid dates, but she has not given the

details of the persons from whom she purchased the gold in question. Counsel contends that the petitioner had not been forthcoming and has not cooperated with the investigating agency in a meaningful manner. It is further submitted that, at the first instance, it had been averred by the petitioner that the gold in question was her istridhan, but later retracted from the first version and submitted that the gold had been purchased from some Deepak. It is, however, submitted that the said aspect has not been verified. He further submits that an incorrect information has been supplied by the petitioner regarding her clean antecedents and one another FIR had been registered against the petitioner for sneaking in a mobile phone to her husband while he was in custody.

I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition.

It is not disputed that the petitioner has joined the investigation. The sole reason for opposing the confirmation of interim bail is that the petitioner has not furnished self-incriminating material against herself. I am of the opinion that such an objection is wholly untenable in law. It is a settled principle that no accused can be compelled to furnish evidence against himself/herself and the failure to provide self-incriminatory material cannot be construed as non-cooperation so as to justify denial of bail. The aforesaid principle has also been reiterated by the Supreme Court in **Tusharbhai Rajnikantbhai Shah Vs. Kamal Dayani and others reported as 2024 INSC 588.**

Since no other substantive objection has been raised w.r.t. the

conduct of the petitioner or the necessity for custodial interrogation, the present petition is allowed and the interim order dated 25.02.2026 is made absolute. However, the same would be subject to deposit of Rs.50,000/- with the Poor Patient Welfare Fund, PGIMER, Chandigarh, within a period of two weeks from today for non-disclosure of the material information required as per law.

March 18, 2026.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>