

2025.PHHC:101040



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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-29401-2024 (O&M)  
DECIDED ON: 31.07.2025

SATNAM SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Rajiv Verma, Senior DAG Punjab

**SANDEEP MOUDGIL, J**

**CRM-28860-2025**

Application is allowed, as prayed for.

Annexure P-30 are ordered to be taken on record with just exceptions.

1. **Relief Sought**

The jurisdiction of this Court has been invoked under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in Case FIR bearing No. 006 dated 19.01.2024 (Annexure P-1) under Section 18/25/29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station State Special Operations Cell, Amritsar, District Intelligence Wing (CID) Amritsar.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

*“To MHC, Police Station State Special Operation Cell, Amritsar, Jai Hind. Today, myself SI alongwith co-employees Inspector HARBHEJ Singh 5011/INT, ASI Daljit Kumar 2969/INT, HC Jaspal Singh 5/205, Senior Constable Paramvir Singh 9/2140 were present at Adda Jhabbal Area Tarn Taran in search of bad persons and he received tip of from informer that international smuggler namely Satnam Singh @ Bahiya son of Sukhwinder Singh, resident of Village Kukkar Pind, Sadar Jalandhar, District Jalandhar alongwith his companion/colleagues used to bring large quantity of opium from the state of UP and Madhya Pradesh in order to supply in the nearby areas of Jalandhar, Tarn Taran and Amritsar. The informer also disclosed that above said have brought large quantity of opium from MP and by keeping the said large quantity of opium in his car make Swift bearing PB08-FF-3804 coming to the area of Goindwal Bypass Tarn Taran to supply the same to some party and if the Naka laid in a planned manner in the said area then he can be arrested with heavy quantity of opium. The information is reliable as such myself SI brought the same to the knowledge of higher officers. From the above said facts offence under Section 18/25/29 of NDPS Act, 1985 is made out.”*

3. **Contentions**

**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the petitioner was arrested near Haveli at Jalandhar but shown to have been arrested within the area of Tarn Taran. He contends that false recovery of contraband has been planted upon the petitioner.

It is argued on behalf of the petitioner that he is in custody since 24.01.2024, wherein after presentation of challan on 20.06.2024, charges are yet to be framed.

**On behalf of the respondent/State**

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration of 1 year, 6 months and 6 days. He prays for dismissal of the present petition on the ground that the alleged recovery of contraband i.e., 10 kgs of opium was recovered from the petitioner, therefore, rigorous of Section 37 of NDPS would be attracted in the present case.

**4. Analysis**

In everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

While addressing the objectives of the NDPS Act, the Hon'ble Supreme Court in the case of ***Durand Didier v Chief Secretary, Union Territory Of Goa (1990) 1 SCC 95*** emphasized that the rampant issue of clandestine smuggling and illegal trafficking of drugs and substances has led to widespread drug addiction, particularly among adolescents and youth. This has had a harmful and devastating impact on society. With grave concern, it was noted that the organized activities of criminal groups and the illegal importation of narcotic

drugs and psychotropic substances into the country have caused a significant increase in drug addiction, especially among young people and students, affecting both genders. The menace has grown to alarming proportions in recent years. Consequently, to effectively combat and eliminate this growing threat, which is causing severe and harmful effects on society as a whole, Parliament, in its wisdom, enacted the NDPS Act of 1985, introducing provisions that mandate minimum imprisonment and fines for such offenses.

In fact, the jurisdiction of the Court to grant bail is circumscribed by the provision of Section 37 of NDPS Act specifically observing that bail can be granted only if reasonable grounds are there to believe the innocence of the accused added with the fact that he is not likely to commit any offence while on bail. The mandate as envisaged under section 37 of the NDPS Act needs to be followed which reads as under:

*“37. Offences to be cognizable and non-bailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),— (a) every offence punishable under this Act shall be cognizable; (b) no person accused of an offence punishable for 3 [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless— (i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and*

*(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.*

*(2) The limitations on granting of bail specified in clause (b) of subsection (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.”*

Going a step further it is negative burden casted on the petitioner to disapprove the case of prosecution as per the mandate of Section 37 of the NDPS Act which discloses that the offences are cognizable and non-bailable.

Adverting to the merits of the present case, wherein 8 kgs of opium was recovered from the car bearing registration No.PB-08-FF-3804, which belongs to the petitioner and subsequently 2 kgs of opium stands recovered from the house of the petitioner. Moreover, the quantity i.e., 10 kgs in total recovered is commercial in nature, therefore the rigours of Section 37 of NDPS would attract in this case and therefore, it would not be just for the Court to let the petitioner out on bail.

5. **DECISION:-**

In the light of above, dictums and discussions made and the *modus operandi* of the kingpins engaged in illicit activities, whether trafficking in small or commercial quantities, must be met with unwavering resolve and stringent action. The intent of the legislature and the sanctity of the rule of law must be upheld at all costs, and cannot be allowed to be undermined, regardless of the quantity involved.

Hence, the same stands dismissed with no order as to costs.

Pending application(s), if any shall disposed off, accordingly.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

31.07.2025

Sham/Meenu

(SANDEEP MOUDGIL)  
JUDGE

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