

2025:PHHC:080912



101                    **IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-33608-2025  
DECIDED ON: 01.07.2025**

**NIRVAIR SINGH**

**....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Dhruv Gupta, Advocate for  
the petitioner.

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**SANDEEP MOUDGIL, J**

1.                    **Relief Sought**

The jurisdiction of this Court under Section 482 of BNSS,2023 has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.102 dated 22.04.2025, under Section 18 and 29 of Narcotic Drugs and Psychotropic Substance Act,1985( in short referred to as NDPS Act) registered at Police Station Anti-Narcotics Force(ANTF) Wing, Patiala.

2.                    **FACTS**

“Prosecution story set up in the present case as per the version in the FIR read as under :-*FIR No. 0102 P.S. Anti-Narcotics Force(ANTF) District ANTF Wing Year 2025 Dated:22.04.2025 U/s 18/29NDPS Act, 1985 "Copy of Complaint. To, The Station House Officer Police Station ANTF, SEC-79 Sohana, District SAS Nagar, Jai Hind, Today I Inspector along with ASI Piara Singh No.*

*3/C 158, SC Hardeep Singh No. 756/Patiala wearing uniform, SC Navjit Singh No. 820/Sangrur, SC Mandeep Khan No. 2578/Patiala, C- 2 Manpreet Singh No.1-IRB-650 (civil dress) travelling in Government Vehicle PB-65-AN-6791 make Bolero whose temporary driver is C Maninderjit Singh 1-C /337 (Civil Dress), along with laptop, printer and inverter were present at village Tharua Police Station Patran, District Patiala under the Khanauri to Kaithal Road, Delhi-Katra Highway Bridge in connection with the search of drug smugglers. The time was around 1:30 AM, when special informant gave information to me Inspector in isolation that Jasvir Singh @ Karan son of Harinder Singh resident of Daroli, police station Ghagga, District Patiala, aged about 26 years, height about 5 feet 5 inches, color black, mullah fashion, who is wearing black jeans and a check shirt and Harpreet Singh @ Goldy son of Sukhwinder Singh resident of Miyal Kala, police station Sadar Samana, District Patiala age about 29 years, height 5 feet 11 inches, color white, mullah fashion, who is wearing a black pants and a black and yellow T-shirt. That both the above-mentioned persons bring opium in huge quantity from outside state and supply to Nirvair Singh son of Malook Singh resident of Daban Kheri, police station Guhla, District Kaithal, Haryana and supplies Nirvair Singh's opium to theirs and his customers for consumption. Today also, the aforesaid both persons are coming from Ranchi (Jharkhand) with a large quantity of opium travelling in vehicle number HR-08 Y-7623, make Swift, white in color. If barricading is done in a planned manner near the Toll Plaza on the Delhi-Katra Road nearvillage Tharua, then the said individuals could be caught with a large quantity of opium. That the information is firm and reliable in this way, Jasvir Singh @ Karan son of Harinder Singh, resident of Daroli, police station Ghagga District Patiala, Harpreet Singh @ Goldy, son of Sukhwinder Singh,*

*resident of Miyal Kala, police station Sadar, Samana, District Patiala, brought a large quantity of opium from outside state and gave it to Nirvair Singh, son of Malook Singh, resident of Dabankheri, police station Guhla, District Kaithal, Haryana, and on the asking of Nirvair Singh, sold it to his customers further for profit, have committed offence U/s 18,29 of the NDPS Act. Therefore, the complaint against Jasvir Singh @ Karan son of Harinder Singh resident of Droli police station Ghagga District Patiala, Harpreet Singh @ Goldy son of Sukhwinder Singh resident of Miyal Kala, police station Sadar Samana, District Patiala and Nirvair Singh son of Malook Singh resident of Dabankheri, Police Station Guhla, District Kaithal, Haryana is being sent from e-mail [hardeptaipur@gmail.com](mailto:hardeptaipur@gmail.com) to police station ANTF Sec 79, Sohana, District SAS Nagar e-mail ID [psstfsasnagar@gmail.com](mailto:psstfsasnagar@gmail.com) for the registration of FIR for the commission of above-mentioned offences and the original is being sent in the hands of C-2 Manpreet Singh No. 1-IRB 650. The number file should be informed after registering the FIR. The officers and the control room should be informed. I Inspector along with the other employees is going in the government vehicle for the above barricading to the place of recovery-Near Delhi Khatra Road Main Highway Toll Plaza. Below Delhi Katra Highway Bridge Village Tharuan, Time - 2:15 AM. SD/-Inspector Balwinder Singh No. 2066/Sangrur ANTF Patiala Range, Patiala dated 22.04.2025. On receiving the complaint aforesaid, FIR in regard to aforesaid offence was registered against the accused Jasvir Singh @ Karan, Harpreet Singh @ Goldy and Nirvair Singh aforesaid. The copy of the FIR along with the special report is being sent to the service of the Ilaqa Magistrate and the officers through the email [psstfsasnagar@gmail.com](mailto:psstfsasnagar@gmail.com) to the e-mail ID of the investigating officer [hardeptaipur@gmail.com](mailto:hardeptaipur@gmail.com). The case file along with the original complaint and copy of the FIR and will*

*be handed over to SI Balwinder Singh Anti-Narcotics Task Force Patiala Range on arrival of C-2 Manpreet Singh No. 1-IRB 650 at the police station. The control room was informed separately on the phone. The MHC police station was instructed to complete the record..."*

3. **SUBMISSIONS**

**ON BEHALF OF PETITIONER**

Learned counsel for the petitioner has contended that the petitioner has been nominated as an accused in the present case on the basis of disclosure statement suffered by his co-accused namely Jasvir Singh and Harpreet Singh alleging that they bring large quantity of opium from outside the state and supplies it to Nirvair Singh (the petitioner) apart from that there is no other incriminating material against the petitioner to connect him in the commissioning of offence. Moreover, no recovery has been affected from the conscious possession of the present petitioner, hence, the prosecution has no case against the petitioner except the disclosure statement of the co-accused, which has no evidentiary value.

Notice of motion.

**ON BEHALF OF RESPONDENT-STATE**

On the asking of Court, Mr. Jastej Singh, Addl. AG, Punjab appearing on advance notice, accepts the same on behalf of respondent-State. He has vehemently opposed the prayer made in the present petition stating that the petitioner along-with other co-accused has rightly been booked under Section 29 of NDPS Act, as all of them were the conspirators and petitioner is the primary mastermind to whom the recovered contraband weighing 20kg 122 grams of opium which is commercial in nature was to be

supplied for further sale by him and therefore the rigours of section 37 of NDPS Act would come into play.

Heard learned counsel for the respective parties.

**4. ANALYSIS AND CONSLUSION**

This court at this juncture would first delve into the provision of Section 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, wherein it specifically provides that, individuals can be prosecuted if they are found to be buyers or sellers of contraband, especially in the context of conspiracy or abetment related to drug offences. This section specifically addresses the penalties for those who assist or participate in a criminal conspiracy to commit an offence under the NDPS Act. It emphasizes that *"whoever abets, or is a party to a criminal conspiracy to commit an offence"* is subject to punishment under this law. Buyers or sellers though may not be found in conscious possession can be implicated under this section if there is adequate evidence demonstrating their involvement in a conspiracy related to drug trafficking.

An additional aspect that must be considered by this court is the frequent practice where individuals are implicated under Section 29 of the NDPS Act assert that they were neither present at the scene nor had any contraband in their conscious possession. Taking advantage of this defense, many such accused persons are granted bail. However, this practice needs to be addressed, as individuals implicated under Section 29 are often the primary masterminds behind the drug trafficking networks, orchestrating operations from a distance while using others, typically those found in direct possession of the drugs, as scapegoats. Consequently, the court is of the firm

opinion that in such cases, these individuals should be held equally accountable and should not be afforded any leniency.

Furthermore, the drug is a social malady, while drug addiction eats into the vitals of the society whereas drug trafficking not only eats into the vitals of the economy of a country, but illicit money generated by drug trafficking is often used for illicit activities including encouragement of terrorism. The devastating effects of narcotic drugs on any person who comes to its touch are too well known. Normally, such a person ceases to be a normal human being, and is more or less reduced to zombie living animal existences and rushing fast to meet the maker. Divine qualities of an individual who consumes narcotic drugs disappear and they are the first sacrifices one normally makes while falling prey to use of drugs. Anxiety of legislature is to prevent the adverse affect of such drugs and substances on the society.

Adverting to the merits of present case the petitioner is alleged to be the primary mastermind and the kingpin of the recovered contraband as the same was to be supplied to him for further sale by him as per the prosecution story and the same needs to be investigated since the quantity recovered is huge i.e 20 kg 122 grams of opium which is commercial in nature therefore rigours of section 37 of NDPS Act will be attracted. Additionally the state has pointed out that the petitioner is already facing 10 years conviction in another NDPS case. There is a distinct possibility that, if granted bail, the petitioner will once again partake in this unlawful enterprise. To grant bail at this stage would, in effect, subtly convey a tacit endorsement or unintentional encouragement of such nefarious activities. This court being the guardian of its citizens deems it necessary that to curb

this drug menace such offenders needs to be taken to task especially when the lives of the country's youth its future, are at risk.

Further this court would take a note of the recent dictum of the Apex court in the case of "**V. Senthil Balaji v. Enforcement Directorate, 2024 SCC OnLine SC 2626**", wherein it was held that where the petitioner can become a threat to society because of his criminal antecedents, he should not be released on bail. It was observed:

*"27.....An exception will also be in a case where, considering the antecedents of the accused, there is every possibility of the accused becoming a real threat to society if enlarged on bail. The jurisdiction to issue prerogative writs is always discretionary."*

In the light of above, discussions made and the *modus operandi* of the kingpins engaged in illicit activities, 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 fact that no recovery was effected from them.

Keeping in view the afore-said facts and circumstances and nature of averments, the petitioner does not deserve the concession of anticipatory bail.

Hence, the present petition is hereby, dismissed.

(SANDEEP MOUDGIL)  
JUDGE

01.07.2025  
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*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No