



CRM-M-35663-2026 (O&M)

212

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-35663-2026 (O&M)****Date of pronouncement: 09.09.2026****PAWANDEEP SINGH ALIAS PREET ALIAS PEET****..... PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

Argued by: Mr. Ajay Kamboj, Advocate for
Ms. Gurpreet Kaur, Advocate
for the petitioner.

Mr. Sukhbeer Singh, DAG, Punjab.

Sr. No.	Particulars	
1.	The date when the judgment is reserved	07.09.2026
2.	The date when the judgment is pronounced	09.09.2026
3.	The date when the judgment is uploaded on the website	09.09.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment and reasons thereof	Not applicable

SHALINI SINGH NAGPAL J.

1. Petitioner seeks regular bail in FIR No.167 dated 22.10.2025 under Section 15 Narcotic Drugs and Psychotropic Substances Act, Police Station Doraha, Ludhiana. This is the first petition for regular bail.

2. It is alleged that on 22.10.2025, when police party headed by ASI Satpal Singh was patrolling near KFC Service Road, Doraha in search of suspicious persons and vehicles, petitioner and co-accused Daya Singh were nabbed by the police party on motorcycle bearing registration No. PB-

**CRM-M-35663-2026 (O&M)**

10JN-0916 make Hero Honda. Petitioner was driving the motorcycle while person sitting behind him was carrying 2 plastic bags containing 28 kg. poppy husk i.e. total 56 kg. poppy husk.

3. Learned counsel for the petitioner submits that petitioner was in custody for the last about 10 months. He had been falsely implicated in the case. The mandatory provisions of Section 50 of the Act were not followed. No independent witness was joined by the police while conducting search of the petitioner. Challan has already been presented and conclusion of trial would take long to conclude. Therefore, petitioner deserved to be enlarged on regular bail.

4. Status report by way of affidavit of Harmanpreet Singh, PPS, DSP, Payal, Sub Division Payal, Police District Khanna, District Ludhiana and custody certificate dated 06.09.2026 have been filed by State of Punjab, which are taken on record. Learned State counsel opposes the prayer for regular bail arguing that petitioner was found in conscious possession of commercial quantity of poppy husk. He was involved in 10 cases of serious nature including 1 under the NDPS Act. Out of 10 prosecution witnesses, only 3 had been examined. Considering the commercial quantity of contraband and the bar of Section 37 of the Act, petitioner did not deserve the concession of regular bail.

5. Hon'ble Supreme Court in ***State of Punjab Versus Balraj Singh @ Billa, 2026 INSC 618***, while referring to its previous decision, has observed as under:

14. As rightly submitted by the appellant State, this Court, in State of Meghalaya V. Lalrintluanga Sailo and another, 2024 SCC Online SC 1751 while setting aside the bail granted by the High Court therein had held that consideration on the twin



conditions under Section 37 of the NDPS Act is essential by the concerned Court. It was observed:

“5. There cannot be any doubt with respect to the position that in cases involving commercial quantity of narcotic drugs or psychotropic substances, while considering the application of bail, the court is bound to ensure the satisfaction of conditions under Section 37(1)(b)(ii) of the NDPS Act. The said provision reads thus:

“37. (1)(b)(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.”

*7. In the decision in **Collector of Customs v. Ahmadaliev Nodira** [Collector of Customs v. Ahmadaliev Nodira, (2004) 3 SCC 549 : 2004 SCC (Cri) 834], the three-Judge Bench of this Court considered the provisions under Section 37(1)(b) as also Section 37(1)(b)(ii) of the NDPS Act, with regard to the expression “reasonable grounds” used therein. This Court held that it means something more than the prima facie grounds and that it contemplates substantial and probable causes for believing that the accused is not guilty of the alleged offence. Furthermore, it was held that the reasonable belief contemplated in the provision would require existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence.*

... ..

10. Thus, the provisions under Section 37(1)(b)(ii) of the NDPS Act and the decisions referred supra revealing the consistent view of this Court that while considering the application for bail made by an accused involved in an offence under the NDPS Act a liberal approach ignoring the mandate under Section 37 of the NDPS Act is impermissible. Recording a finding mandated under Section 37 of the NDPS Act, which is



sine qua non for granting bail to an accused under the NDPS Act cannot be avoided while passing orders on such applications." (emphasis supplied)

15. To the similar effect, this Court in **State by the Inspector of Police v. B. Ramu 2024 SCC online SC 4074** reiterated that satisfaction with the conditions laid down under Section 37 of the NDPS Act is mandatory while entertaining a prayer for bail involving commercial quantity of narcotic drugs.[See also: *Ajay Kumar Singh alias Pappu (Supra)*]

16. In similar circumstances, this Court in **Union of India v. Namdeo Ashruba Nakade 2025 SCC online SC 3049** observed that the mandatory nature of Section 37 cannot be dispensed with:

"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." (emphasis supplied)

6. Identical were the observations of Hon'ble Supreme Court in **State of Punjab Versus Sukhwinder Singh @ Gora 2026 SCC online SC 671** and **Union of India Versus Namdeo Ashruba Nakade, 2025 SCC online SC 3049**.

7. As per allegations, petitioner was found in conscious possession of total 56 kg. poppy husk. The quantity of contraband is commercial. The exercise of power to grant bail in such cases is subject to limitation placed by Section 37(1)(b)(ii) of the NDPS Act which reads thus:-



“(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.”

8. Hon’ble Supreme Court has held in ***State of Punjab Versus Sukhwinder Singh @ Gora 2026 SCC online SC 671*** that right to speedy trial under Article 21 of the Constitution is undoubtedly a valuable constitutional guarantee but in the context of a special statute such as the NDPS Act dealing with commercial quantity, that right has to be read alongside and not in displacement of the mandate of Section 37 NDPS Act.

9. Effect of non-compliance of Section 50 of the Act and non-joinder of independent witnesses would be looked into by the trial Court at the appropriate stage of the case. Considering antecedents of the petitioner, possibility of him indulging in similar offences, once released on bail is high. In view of the statutory bar under Section 37 of the NDPS Act and *prima facie* satisfaction of the Court in support of the accusation, it is not a fit case to release the petitioner on regular bail. The petition for regular bail is accordingly, **dismissed**.

10. Nothing observed hereinabove shall be taken as expression of opinion on merits of the case.

11. Pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

09.09.2026
Sumit Singla

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No