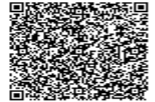


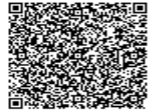
CRM-M-21863-2026 (O&M) and

**CNR No:PHHC010664472026
2026:PHHC:103298**



CRM-M-21876-2026 (O&M)

**CNR No:PHHC010664462026
2026:PHHC:103300**



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

(101)

Date of Decision:-27.07.2026

1. CRM-M-21863-2026 (O&M)

HARMANJIT SINGH SANDHU ALIAS HAMMA

.....Petitioner

Versus

**UNION OF INDIA THROUGH THE INTELLIGENCE OFFICER,
AMRITSAR**

.....Respondents

2. CRM-M-21876-2026 (O&M)

HARMANJIT SINGH SANDHU ALIAS HAMMA

.....Petitioner

Versus

**UNION OF INDIA THROUGH THE INTELLIGENCE OFFICER,
AMRITSAR**

.....Respondents

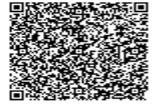
CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. P.S. Ahluwalia, Senior Advocate with
Mr. Deepanshu, Advocate and
Ms. Isha Mehta, Advocate for the petitioner.

Mr. Rajiv Sharma (Hisarwale) Special Public Prosecutor,
Mr. Vinayak Atre, Advocate and
Ms. Indu Bala Shama, Advocate for the respondent-NCB.
Assisted by Inspector Sourabh Meena.

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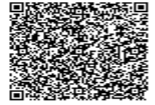
ALOK JAIN, J. (Oral)

1. The present set of two petitions have been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 of the Code of Criminal Procedure, 1973), seeking the concession of anticipatory bail in connection with NCB Crime No. 08 of 2026 (CRM-M-21863-2026) and NCB Crime No. 14 of 2026 (CRM-M-21876-2026) both registered by the Narcotics Control Bureau, Amritsar.

2. Learned Senior Counsel appearing on behalf of the petitioner has opened his arguments by submitting that there is no FIR in the present case and submits that CRM-M-21863-2026 arises out of NCB Crime No. 08, registered on 15.02.2026. Learned Senior Counsel further submits that on 15.02.2026, a search was conducted at the residential premises of co-accused Harpal Singh, which allegedly led to the recovery of **2.950 kg of Opium, 5.504 kg of Methamphetamine, and 8.740 kg of Heroin**, pursuant to which co-accused Harpal Singh and Jodhbeer were nominated. On the basis of the disclosure statement made by Jodhbeer, one Jasbir Singh was nominated and he has laid emphasis on the date of recording of this disclosure statement to be that of 16.02.2026. Subsequently, Jasbir Singh was apprehended and in the disclosure statement of Jasbir Singh, the name of the present petitioner was nominated in NCB Crime No. 8 of 2026.

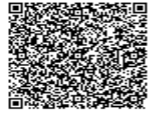
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Putting the factual matrix at a pause at this stage, learned Senior counsel for the petitioner has submitted that another NCB Crime No. 14 was registered on 11.03.2026 in which the Authorities stated to have recovered **9.332 kgs of heroin** and apprehended one Nishan Singh @ Shana and subsequently, in his disclosure statement, pursuant to the remand applications qua Nishan Singh @ Shana, disclosure statement came to be recorded in which the name of one Paramjeet Singh @ Pamma and Harmanjit Singh @ Hamma was recorded i.e. the present petitioner. It is submitted that both these persons are closely related.

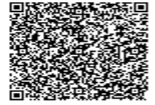
3. Coming back to the proceedings in NCB Crime No. 8 of 2026, learned counsel has submitted that the residential premises of the present petitioner was raided on 15.02.2026, whereas his name came to be allegedly disclosed by co-accused Jasbir Singh only on 16.02.2026.

4. The sequence of events demonstrates pre-meditated targeting and high-handedness on the part of the investigating agency. It is submitted that the sole piece of evidence arrayed against the petitioner in NCB Crime No. 08 dated 15.02.2026 is an uncorroborated disclosure statement, which carries no evidentiary value in the absence of any independent material or recovery at his instance.

5. Learned Senior Counsel further submits that when the petitioner could not be apprehended in NCB Crime No. 08, the agency, in

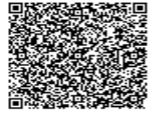
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order to exert undue pressure roped him into **NCB Crime No. 14**, registered on **11.03.2026**, wherein alleged recoveries were effected from co-accused Nishan Singh @ Shana. Attention of this Court has been drawn to the fact that in the initial remand application filed by the NCB in case bearing No. NCB Crime No. 14 on **12.03.2026**, the name of the present petitioner nowhere surfaced. On **13.03.2026**, the brother of the petitioner was arrested, and while his name found mention in the remand application pertaining to NCB Crime No. 08, his name was conspicuously absent from NCB Crime No. 14. It was only subsequently, in the remand application dated **16.03.2026** in NCB Crime No. 14, that a disclosure statement of co-accused Nishan Singh @ Shana was concocted, implicating the petitioner alongside co-accused 'Paramjit Singh @ Pamma'. In the said disclosure, it was alleged that a secret meeting was convened on **06.03.2026** at the residence of Paramjit Singh @ Pamma, in which the petitioner participated.

6. It is submitted that the sole piece of evidence arrayed against the petitioner in NCB Crime No. 08 and NCB crime No. 14 is an uncorroborated disclosure statement, recorded while in custody, there is no substantive or credible material on record connecting the petitioner with the alleged crime.

7. Learned Senior Counsel further contends that the agency attempted to attach four sets of properties belonging to the petitioner and

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his family members. However, the Competent Authority declined to confirm the attachment regarding the **03 kanals land** purchased by the petitioner from co-accused Nishan Singh @ Shana, which was wrongly projected as 'proceeds of crime'. The Competent Authority confirmed attachment only in respect of a land parcel owned by the petitioner’s mother and two motor vehicles owned by the petitioner, which were, in fact, second-hand vehicles. Further regarding criminal antecedents of the petitioner, it is submitted that the petitioner was involved in two prior FIRs. In both matters, the petitioner is on bail. Notably, in the prior FIR registered under the NDPS Act in the year 2019, the alleged contraband involved was of a **non-commercial quantity**, and the concession of bail was extended to the petitioner.

8. On the strength of the above, learned Senior counsel for the petitioner has submitted a chronological chart of events, which reads as under:

S. No.	Date/Period	Event
1	15.02.2026	On 15.02.2026, officials of the NCB, Amritsar Zonal Unit conducted a search at the residence of Harpal Singh, during which they allegedly recovered <u>2.950 kg of opium, 5.504 kg of methamphetamine, and 8.740 kg of heroin.</u> At the time of the search, <u>Jodhbir Singh @ Ranjot Singh and Harpal Singh</u> were present at the spot, leading to the registration of NCB

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		Crime No. 8/2026 dated 15.02.2026.
2	15.02.2026	On the same date, Petitioner's residence was also searched by officials connected with the investigation, and subsequent departmental enquiry correspondence referred to three videos recorded after the said search.
3	16.02.2026	Jodhbir Singh @ Ranjit Singh and Harpal Singh were served notices under Sec. 67 NDPS Act, their statements recorded, and thereafter formally arrested.
4	16.02.2026	On the basis of the disclosure statement of Jodhbir Singh @ Ranjot Singh, Jasbir Singh was implicated; he was served a notice under Section 67 of the NDPS Act, his statement was recorded, and was arrested on the same date.
5	16.02.2026	After the arrest of Jasbir Singh and the recording of his disclosure statement on the said date, the present petitioner came to be sought to be nominated in NCB Crime No. 8/2026.
6	06.03.2026	Subsequently, in NCB Crime No. 14/2026 , accused Nishan Singh @ Shana disclosed that, on the said date, a meeting was held at the residence of <u>Paramjit Singh @ Pamma</u> , wherein <u>Harmanjit Singh @ Hamma</u> , <u>Sukhchain Singh</u> and others regarding receipt of a heroin consignment dropped through a drone from across the international border, as well as its transportation and distribution, along with an alleged payment of ₹75,000/- to Nishan Singh and transfer of about 0.5 killa of land to the petitioner.
7	09.03.2026	During the intervening night of 09/10.03.2026 , Petitioner's wife and his cousin, Paramjit Singh @ Pamma , were allegedly illegally picked up from their residence by officials, SP Kartik Hooda and Inspector Pankaj Yadav, along with paramilitary personnel; an occurrence captured in mobile recordings/CCTV footage. This assumes significance as the subsequent projection of Paramjit Singh@ Pamma in NCB Crime No. 14/2026stands in contrast with the

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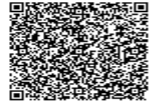
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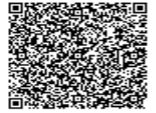


		production and custody papers prepared immediately thereafter.
8	10.03.2026	Paramjit Singh @ Pamma was shown arrested for allegedly harbouring the petitioner.
9	11.03.2026	The petitioner's wife was released at midnight on 11.03.2026 after villagers and panchayat members gathered outside the NCB Zonal Office, while Paramjit Singh @ Pamma was shown to have been arrested for allegedly harbouring the petitioner.
10	11.03.2026	Application seeking remand of Paramjit Singh @ Pamma was moved before the learned Magistrate, which is relied upon as his first production/remand application.
11	11.03.2026	In NCB Crime No. 14/2026, the NCB, Amritsar is stated to have received 9.332 kg of suspected heroin from the BSF officials of BOP Daoke, 181 Battalion , who had apprehended Nishan Singh @ Shana , leading to the registration of the said case on 11.03.2026 .
12	12.03.2026	In NCB Crime No. 14/2026, Nishan Singh @ Shana was served notice under Section 67 of the NDPS Act , his statement was recorded and was shown to have been arrested at 11:00 AM at the NCB Office, Amritsar , following which he was produced before the learned Court. At this stage, the alleged implication of the present petitioner and Paramjit Singh @ Pamma did not find reflection , as was later projected.
13	13.03.2026	Paramjit Singh @ Pamma was produced before the learned JMIC, Amritsar, and an application for judicial custody was filed. The application did not mention the parallel allegations that were later made in NCB Crime No. 14/2026.

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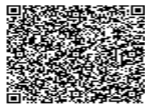
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14	16.03.2026	In subsequent remand application of Nishan Singh @ Shana, that Paramjit Singh @ Pamma and Harmanjit Singh @ Hamma came to be shown as nominated in NCB Crime No. 14/2026.
15	20.03.2026	At 2:59 PM, a detailed representation titled " Urgent Representation Seeking Immediate Intervention and Protection " was submitted on behalf of the petitioner's mother, Smt. Harjinder Kaur , to senior authorities, alleging illegal harassment, detention, coercion, and threats to life and liberty, along with video footage and prior representations.
16	23.03.2026	In CRWP-3352-2026 , filed by the petitioner's mother, the Hon'ble High Court issued directions to the DG-NCB , to take appropriate action.
17	23.03.2026	At 6:47 PM , pursuant to the Hon'ble High Court's order, the office of the DDG (NWR), NCB acknowledged receipt of the grievance, stated that the matter was under verification, and requested that it be presented personally before the authority for appropriate action.
18	03.04.2026	At 2:35 PM , the office of the DDG (SWR), NCB, Mumbai informed that, pursuant to the Hon'ble High Court's order in CRWP-3352-2026, an enquiry had been assigned, and a meeting was scheduled for 07.04.2026 at 11.00 AM at the Office of the DC, Tarn Taran.
19	03.04.2026	At 2:38 PM, counsel confirmed the participation of Smt. Harjinder Kaur and her representative in the enquiry proceedings scheduled for 07.04.2026 at Tarn Taran .
20	07.04.2026	Enquiry proceedings were held at the Office of the Deputy Commissioner, Tarn Taran, pursuant to the Hon'ble High Court's order, wherein statements were recorded and video/CCTV material was produced before the authority.
21	13.04.2026	At 1:53 PM , the office of the DDG (SWR), NCB, Mumbai sent a follow-up

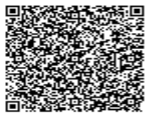
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		communication referring to the statement dated 07.04.2026 and six videos produced, while seeking clarification regarding three videos recorded after the search conducted on 15.02.2026.
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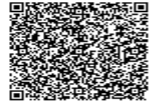
9. Learned Senior Counsel for the petitioner has relied upon the judgment passed by a Co-ordinate Bench of this Court, in the case of **“Ravinder Singh @ Ravi vs. State of Punjab” in CRM-M-57242-2024 decided on 27.02.2025.**

10. Learned Senior Counsel for the petitioner has also relied upon certain judgments, which reads as under:

1. **State by Intelligence Officer (NCB) Bengaluru Zonal Unit, Bengaluru Vs. Abu Thahir @ Abdu and others, 2022 12 SCC 634.**
2. **Manohar Singh Vs. State of Haryana, in SLP (Crl.) No. 17915-2025.**
3. **Jugraj Singh Vs. State of Punjab, in SLP (Crl.) No. 9190-2025**
4. **Lovepreet Singh @ Love Vs. State of Punjab, 2025:PHHC:117343, in CRM-M-10045-2025, decided on 01.09.2025.**
5. **Balwinder Kaur Vs. State of Haryana, 2026:PHHC:026291, in CRM-M-68715-2025 decided on 19.02.2026.**

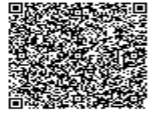
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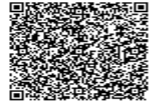
6. *Baljit Singh Vs. State of Punjab, CRM-M-71532-2025 decided on 27.01.2026.*
7. *Divyanshi Singh Vs. State of Punjab, CRM-M-54689-2025 decided on 09.03.2026.*
8. *Ashu Vs. State of Punjab, 2025:PHHC:002122, in CRM-M-54032-2024 decided on 09.01.2025.*

11. Learned Senior Counsel for the petitioner has also submitted that, in fact, the Investigating Officer has threatened the petitioner and his family members of dire consequences while raiding the house repeatedly and has been harassing the other family members including the wife of the petitioner.

12. *Per contra*, learned counsel appearing on behalf of respondent-NCB has vehemently opposed the grant of anticipatory bail to the petitioner by submitting that the allegations levelled against the petitioner are grave and serious in nature. Learned counsel submits that the petitioner is a key conspirator and part of an organized international illicit drug trafficking network, operating in tandem with other co-accused named in the present case. Learned counsel for the NCB refuted the alleged anomaly regarding the raid conducted on 15.02.2026 at the petitioner's residence. Demonstrating from the official record, learned counsel submitted that following the formation of the raiding team, co-accused Jasbir Singh's statement was recorded on 15.02.2026 itself, which immediately led to the

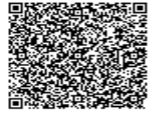
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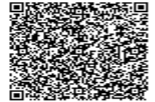
raid at the petitioner's premises following due procedure. Learned counsel clarified that Jasbir Singh was thereafter formally arrested on 16.02.2026, and the arrest memo was executed accordingly. Merely such minor technical details cannot form basis for seeking grant of the extra-ordinary concession of anticipatory bail. Learned counsel has submitted that before dwelling upon the factual matrix of the matter, he wishes to raise a preliminary objection with regard to the non-grant of relief sought, that since there is involvement of huge commercial quantity, it has been consistent view of the Hon'ble Apex Court and by this Court for which he relies upon the judgment passed by the Hon'ble Apex Court in the case of ***"State of Haryana Vs. Samarth Kumar", in SLP (Crl.) No. 6575 of 2021*** and held para 4, which reads as under:

*"The High Court decided to grant pre-arrest bail to the respondents on the only ground that no recovery was effected from the respondents and that they had been implicated only on the basis of the disclosure statement of the main accused Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in ***"Tofan Singh Vs. State of Tamil Nadu"*** reported in (2021) 4 SCC 1."*

13. Learned counsel for the NCB has further relied upon the judgment passed by the Hon'ble Apex Court in the case of ***"State of Kerala etc. Vs. Rajesh", in Criminal Appeal No. 154-157 of 2020*** and held as under:

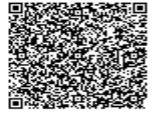
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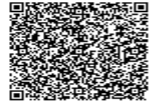
“19. This Court has laid down broad parameters to be followed while considering the application for bail moved by the accused involved in offences under NDPS Act. In Union of India Vs. Ram Samujh and Ors. 1999(9) SCC 429, it has been elaborated as under:—

*7. It is to be borne in mind that the aforesaid legislative mandate is required to be adhered to and followed. It should be borne in mind that in a murder case, the accused commits murder of one or two persons, while those persons who are dealing in narcotic drugs are instrumental in causing death or in inflicting death—blow to a number of innocent young victims, who are vulnerable; it causes deleterious effects and a deadly impact on the society; they are a hazard to the society; even if they are released temporarily, in all probability, they would continue their nefarious activities of trafficking and/or dealing in intoxicants clandestinely. Reason may be large stake and illegal profit involved. This Court, dealing with the contention with regard to punishment under the NDPS Act, has succinctly observed about the adverse effect of such activities in *Durand Didier v. Chief Secy., Union Territory of Goa [(1990) 1 SCC 95]* as under:*

24. With deep concern, we may point out that the organised activities of the underworld and the clandestine smuggling of narcotic drugs and psychotropic substances into this country and illegal trafficking in such drugs and substances

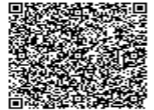
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have led to drug addiction among a sizeable section of the public, particularly the adolescents and students of both sexes and the menace has assumed serious and alarming proportions in the recent years. Therefore, in order to effectively control and eradicate this proliferating and booming devastating menace, causing deleterious effects and deadly impact on the society as a whole, Parliament in its wisdom, has made effective provisions by introducing this Act 81 of 1985 specifying mandatory minimum imprisonment and fine.

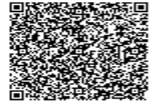
8. *To check the menace of dangerous drugs flooding the market, Parliament has provided that the person accused of offences under the NDPS Act should not be released on bail during trial unless the mandatory conditions provided in Section 37, namely,*

(i) there are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) that he is not likely to commit any offence while on bail are satisfied. The High Court has not given any justifiable reason for not abiding by the aforesaid mandate while ordering the release of the respondent—accused on bail. Instead of attempting to take a holistic view of the harmful socio— economic consequences and health hazards which would accompany trafficking illegally in dangerous drugs, the court should

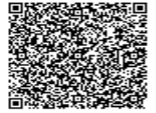
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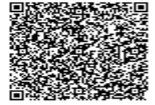
implement the law in the spirit with which Parliament, after due deliberation, has amended.

20. *The scheme of Section 37 reveals that the exercise of power to grant bail is not only subject to the limitations contained under Section 439 of the CrPC, but is also subject to the limitation placed by Section 37 which commences with non-obstante clause. The operative part of the said section is in the negative form prescribing the enlargement of bail to any person accused of commission of an offence under the Act, unless twin conditions are satisfied. The first condition is that the prosecution must be given an opportunity to oppose the application; and the second, is that the Court must be satisfied that there are reasonable grounds for believing that he is not guilty of such offence. If either of these two conditions is not satisfied, the ban for granting bail operates.*

21. *The expression reasonable grounds means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence. The reasonable belief contemplated in the provision requires existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence. In the case on hand, the High Court seems to have completely overlooked the underlying object of Section 37 that in addition to the limitations provided under the CrPC, or*

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any other law for the time being in force, regulating the grant of bail, its liberal approach in the matter of bail under the NDPS Act is indeed uncalled for.

22. *We may further like to observe that the learned Single Judge has failed to record a finding mandated under Section 37 of the NDPS Act which is a sine qua non for granting bail to the accused under the NDPS Act.*

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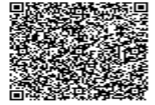
26. *In the result, the appeals are allowed and the impugned order passed by the High Court releasing the respondents on bail is hereby set aside. Bail bonds of the accused respondents stand cancelled and they are directed to be taken into custody. The trial Court is directed to proceed and expedite the trial.”*

14. Learned counsel for the NCB has relied upon the judgment passed by the Co-ordinate Bench of this Court in the case of **“Ravi Vs. State of Punjab” in CRM-M-48030-2024 decided on 25.09.2024** where the Court has held that the anticipatory bail is a rarity especially when the drug menace is rampant in the State of Punjab and the accused is always free to seek the concession of regular bail.

15. Learned counsel for the NCB has also relied upon the judgment passed by the Co-ordinate Bench of this Court in the case of

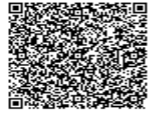
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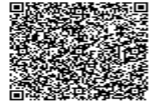
“Sagar Vs. State of Haryana” 2026 NCPHHC 95138 in CRM-M-37575-2026 and held para 7 and 7.2, which reads as under:

“7. The petitioner seeks the extraordinary concession of anticipatory bail in a case registered under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, involving recovery of 503 grams of Heroin, which is admittedly a commercial quantity. Though the petitioner is not named in the FIR, his complicity has surfaced during the course of investigation on the basis of the disclosure statement suffered by co-accused Gurkirpal Singh @ Varun, wherein it has been specifically alleged that the recovered contraband had been procured from the present petitioner for valuable consideration. At this stage, the investigation is still in progress and the role attributed to the petitioner is not that of a mere peripheral participant but prima facie that of a supplier in the alleged narcotics trafficking network.

7.2. It is well settled that although a disclosure statement, by itself, may ultimately be tested during trial in accordance with the provisions of the Indian Evidence Act/ Bharatiya Sakshya Adhiniyam, the Court, while considering a petition for anticipatory bail, is not expected to meticulously evaluate the evidentiary value of the material collected during investigation. The Court is only required to examine whether custodial

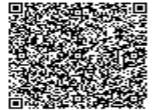
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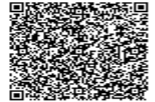
interrogation appears necessary for the purposes of a fair and effective investigation.”.

16. Furthermore, learned counsel for the NCB has relied upon the judgment passed by the a Co-ordinate Bench of this Court, in case, titled as ***“Buta Singh Vs. State of Punjab” 2026:PHHC:052038 in CRM-M-18128-2026 decided on 06.04.2026*** and the relevant extract is reproduced as under:

“12. In Samarth Kumar (supra) the Hon'ble Supreme Court had clearly held that an accused who had been named in the disclosure statement of a co-accused was not entitled to the grant of anticipatory bail but could be granted regular bail. However, in “Vijay Singh Vs. State of Haryana”, 2023 SCC Online SC 1235, a somewhat contrary view was taken and the accused therein was granted the concession of anticipatory bail even though he had been an accused in another case under the NDPS Act in which he was on bail. In “Vikrant Singh Vs. State of Punjab”, CRM-M-39657-2020, this Court held that where an accused had been named in the disclosure statement of his co-accused and there were CDRs/WhatsApp calls/chats between the arrested accused and the person named in a disclosure statement then in the absence of the contents of the conversation/chats bail could not be denied to the said accused. In “Union of India vs. Vigin K. Varghese”, 2025 INSC 1316, the Hon'ble Supreme

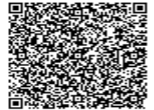
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Court has held that bail cannot be granted without keeping in view the parameters of Section 37 of the NDPS Act. In “Ranjit Singh Vs. State of Punjab”, CRM-M-25526-2023 decided on 17.07.2023 and “Soni Singh @ Chamkaur Sahib Vs. State of Punjab”, CRM-M-31645-2022 decided on 20.10.2022 it has been held by this Court that where there were multiple FIRs against an accused over a period of time then, even though he had been named in a disclosure statement, he was not entitled to the concession of bail.

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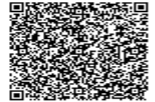
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15. *In fact, when there are multiple FIRs against an accused over a significant period of time, then the twin conditions as envisaged under Section 37 of the NDPS Act that he had not committed an offence and was not likely to commit an offence cannot be satisfied. Further, the limitation to grant of bail under Section 37 of the NDPS Act are in addition to those prescribed under the Cr.P.C. or any other law in force on the grant of bail. Thus, a habitual offender is not entitled to the grant of bail even under the provisions of the Cr.P.C. keeping in view his criminal antecedents. On the contrary, in such case, where anticipatory bail is sought the custodial interrogation is certainly necessary even though the accused may have joined investigation at an earlier stage.*

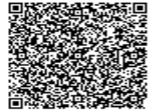
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16. Keeping in view the conduct of the petitioner and his criminal antecedents, his custodial interrogation would certainly be necessary to effect recoveries and to take the investigation to its logical conclusion.

17. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.”

17. Coming to the merits of the case, learned counsel for the NCB has clarified that the seizures effected in NCB Crime No. 08 include **2.950 kg of Opium, 5.504 kg of Methamphetamine, and 8.740 kg of Heroin**—all falling within the statutory threshold of commercial quantity. Consequently, the strict bar under **Section 37 of the NDPS Act, 1985** squarely applies, dis-entitling the petitioner to seek the concession of pre-arrest bail. Moreso, the petitioner’s implication is not solely based on custodial disclosure statements. It is contended that these disclosures do not stand in isolation, as cogent digital evidence recovered from Nishan Singh's mobile phone and nexus between the petitioner and the co-accused around the relevant period, including the secret meeting dated 06.03.2026 held at the residence of Paramjit Singh @ Pamma, corroborates the pivotal role played by the petitioner in the commission of the alleged offence.

18. Learned counsel for the NCB asserted that the petitioner is the mastermind behind the drug cartel. The accumulation of immense wealth far exceeding his known sources of income directly establishes his

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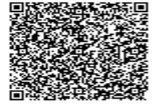


involvement and the utilization of illicit drug money. Heavy reliance was placed on the property transactions, including the acquisition of land from co-accused Nishan Singh @ Shana and others, clearly point towards financial nexus and money laundering originating from illicit drug proceeds. He further submits that although the attachment of the said piece of 03 kanals land purchased from Nishan Singh @ Shana was not confirmed by the competent authority but at the same time, two properties ad-measuring 93 kanals 11 marlas acquired in the name of petitioner's mother beyond her known-source of incomes as well as two motor vehicles belonging to the petitioner were attached as being disproportionate to any legitimate income. During the course of arguments, it has also been brought on record that in fact, certain more properties have also been attached by the Authorities.

19. As regard the allegation that the Investigating Officer has threatened the petitioner's family with dire consequences, it has been submitted that the Authorities had gone to the house of the petitioner to comply with the provisions of law and serve him a notice under Section 67 of NDPS. The video being now played is a partial communication. It is submitted that even for the sake of arguments, it is presumed that certain words have been uttered by the Investigating Officer, the same could have been an outcome of a sudden heat of the moment and there is no

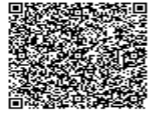
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harassment. However, learned counsel has fairly submitted that he will ensure that the officer proceeds in the matter strictly in accordance with the book of the law.

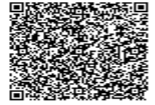
20. To substantiate his contentions, learned counsel emphasized that the custodial interrogation of the petitioner is indispensable to unearth the entire chain of transactions and break the cartel.

21. In rebuttal, learned Senior Counsel for the petitioner submits that the rigors of ***Samarth Kumar (supra)***, to his understanding have been diluted in the subsequent orders passed by the Hon'ble Supreme Court in the case of "***Vijay Singh Vs. State of Haryana***", 2023 SCC Online SC 1235, which reads as under:

"The petitioner is alleged to have committed offences under Sections 15 and 29 the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the 'NDPS Act'). His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under NDPS Act are pending against the petitioner. It is

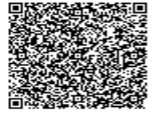
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not denied that in those proceedings he was granted bail.

2. Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose.

3. The petition is allowed.

4. All pending applications are disposed of.”

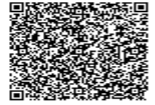
22. Learned Senior counsel for the petitioner re-iterates that the petitioner is being made a scapegoat and is ready to join investigation, the recoveries have already been effected and the property is already stands attached by the competent authority and no useful purpose would be served by the custodial interrogation of the petitioner who is ready to join the investigation and cooperate with the Investigating Agency.

23. Heard learned counsel for the parties at length and perused the record.

24. This Court takes judicial notice of the alarming magnitude and pervasive spread of the drug menace, particularly in the sensitive border regions of the State. The unabated influx of heavy commercial quantities of psychotropic substances across international borders poses an existential threat to public health, national security, and the socio-economic fabric of society, destroying entire generations of youth. Clandestine narco-syndicates operating in these vulnerable border belts exploit geographical

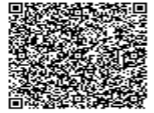
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proximity to run deeply entrenched supply chains and launder illicit proceeds.

25. When dealing with cases emanating from such border-centric drug cartels—especially those involving commercial quantities of contraband and organized networks—the Courts are duty-bound to exercise heightened circumspection and strict scrutiny. In such matters, individual liberty must be carefully balanced against the overriding societal interest, ensuring that the stringent statutory mandate and legislative intent behind Section 37 of the NDPS Act are strictly upheld to prevent the frustration of ongoing investigations.

26. It cannot be lost sight of the fact that while dealing with the investigation of such kind and the intelligent and disciplined criminals who execute such offences, it is likely to have some minor discrepancies. The Court cannot lose sight of the fact that the drug menace in the State of Punjab is at its peak and the larger aspect has to be seen for which thorough investigation is required. NCB is a specialized Authority to look into such crimes, however, certain minor lapses cannot form basis to make the petitioner entitled for grant the extra-ordinary concession of anticipatory bail. It is duly recorded here that the above observation does not give a clean chit to the Authorities to violate the provisions of law with any impunity. The Authorities, if find, that the Officer has not acted in

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accordance with law will be at liberty to take appropriate steps against him.

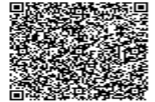
However, at this stage; the said issue is left open.

27. It would be apposite to refer herein to the judgment of the Hon'ble Supreme Court titled as "***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another***" passed in ***SLP(Crl.) No. 1125-2022***, relevant whereof reads as under:

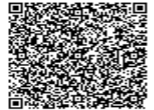
*"74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information. In **State v. Anil Sharma** [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039], the Supreme Court held as under : (SCC p. 189, para 6)*

*"6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under **Section 438** of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many*

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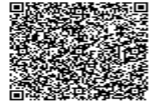
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useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

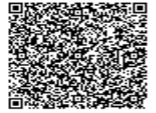
75. Observing that the arrest is a part of the investigation intended to secure several purposes, in ***Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]***, it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to

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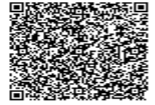
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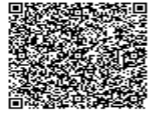
enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

*76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the*

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accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

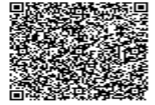
77. After referring to Siddharam Satlingappa Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1] .)”

Economic offences

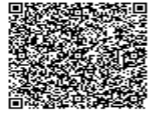
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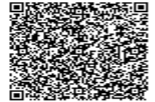
78. *Power under Section 438 Cr.P.C. being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”*

15. In Sushila Agrawal and others v. State (NCT of Delhi and another *reported in (2020) 5 SCC 1*, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

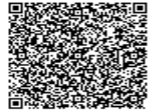
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28. Considering all the above submissions and documents placed on record, the custodial interrogation of the petitioner is of utmost importance especially in light of the facts that there is huge cache of drugs being recovered which is linked to the petitioner and other co-accused and there is specific allegation that the petitioner had facilitated the lifting of the entire illegal cross-border drugs consignment; his previous criminal antecedents under the NDPS Act; close acquaintance of the petitioner with the other co-accused and further to unearth the entire financial trail, conspiracy and the nexus of all nominated accused with the cross border smuggling of drugs. In a crime such as being investigated by the NCB and the *prima facie* role being attributed to the petitioner makes it incumbent that his custodial interrogation will be of extreme importance.

29. The reliance placed by learned Senior Counsel for the petitioner on *Ravinder Singh @ Ravi (supra)* is wholly misplaced. The said precedent pertained to concession of **regular bail** involving a quantity barely exceeding the commercial threshold. In contrast, the present case seeking concession of **anticipatory bail** and a massive recovery of diverse narcotics— **2.950 kg of Opium, 5.504 kg of Methamphetamine, and 8.740 kg of Heroin in NCB No. 08 dated 15.02.2026 and 9.332 kgs of heroin in NCB No. 14 dated 11.03.2026**, is pointing toward an organized cross-border drug syndicate. Thus, the ratio of the aforesaid judgments is clearly distinguishable on facts and does not advance the case of the

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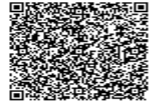


petitioner. In *Abu Thahir @ Abdu (supra)*, *Lovepreet Singh @ Love (supra)*, *Balwinder Kaur (supra)* and *Divyansh Singh (supra)*, the recoveries involved 510 grams of methamphetamine, 210 grams of heroin, 450.9 grams of heroin and 1.7 kilograms of poppy straw, respectively. In the present case, huge quantities of opium, methamphetamine, and heroin were allegedly recovered. Likewise, in *Manohar Singh (supra)*, the appellant had no criminal antecedents, whereas the petitioner herein is stated to be involved in two other FIRs. Similarly, in *Jugraj Singh (supra)*, the Hon'ble Supreme Court noticed that no effort had been made by the investigating agency to trace the appellant's mobile number, collect the call detail records or conduct any raid to ascertain his possession of incriminating material. In contrast, the present case is supported by call detail records and other digital evidence, which *prima facie* connect the petitioner with the disclosure statement. Accordingly, the aforesaid precedents are clearly distinguishable and are of no assistance to the petitioner. The considerations for pre-arrest bail, where custodial interrogation is crucial to unraveling a complex narco-network and financial trail, stand on a completely different footing.

30. Accordingly, the custodial interrogation of the petitioner would be of grave importance, at this stage, to ensure that the investigation in this case comes to its logical end.

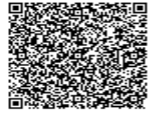
CRM-M-21863-2026 (O&M) and

CNR No:PHHC010664472026
2026:PHHC:103298



CRM-M-21876-2026 (O&M)

CNR No:PHHC010664462026
2026:PHHC:103300



31. In light of the above, this Court does not find any ground to grant the extra ordinary concession of anticipatory bail to the petitioner, hence, the present petitions are dismissed.

32. It is made clear that any observation made in this order is only for the purpose of deciding the present petitions and shall not be considered as any expression of opinion on the merits of the case.

33 Pending application(s) if any, shall stand disposed of.

34. Photocopy of this order be placed on the file of another connected case.

(ALOK JAIN)
JUDGE

27.07.2026

Parul

Whether speaking/reasoned:-	Yes
Whether Reportable:-	Yes