REPORTABLE

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 5535/2026
CNR: RJHC010409452026 | URN: CRLMB / 12410U / 2026

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Balvinder Singh S/o Shri Jagdish Singh, Aged About 35 Years, R/o Hastakala, P.s. Fazilka Sadar, District Fazilka, Punjab. (Lodged In District Jail Hanumangarh)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. J.K. Haniya
For Respondent(s) : Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

05/11/2026

1.	Date of Conclusion of Arguments	**28.10.2026**
2.	Date on which Judgment was reserved	**28.10.2026**
3.	Whether the Full judgment or only operative part is pronounced:	**Full**
4.	Date of Pronouncement:	**05.11.2026**

1. The present bail application has been preferred by the petitioner under section 483 of the BNSS, in connection with FIR No. 26/2026 registered at Police Station Pallu, District Hanumangarh, for the offences punishable under Sections 8/15 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter, "the NDPS Act").

2. Briefly stated on 26.02.2026, during a police checking operation on the Mega Highway connecting Pallu and

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Sardarshahar, a Creta car bearing registration No. HR 26 DD 1801 was intercepted. The petitioner, Balvinder Singh, was allegedly driving the vehicle, while co-accused Guramanpreet Singh was seated in the front passenger seat. Upon checking the vehicle, two plastic bags containing poppy husk weighing 34.980 Kg. in total were allegedly recovered.

3. Learned counsel for the petitioner submits that he has been falsely implicated in the present case and that the alleged recovery is below commercial quantity, therefore, the restrictions under Section 37 of the NDPS Act are not attracted and that the learned trial court erred in rejecting bail on the basis of his criminal antecedents. It is further submitted that the charge-sheet has been filed, the petitioner has remained in custody since 26.02.2026 and the trial is likely to take time. Reliance is placed on the order dated 17.03.2026 passed by a Coordinate Bench of this Court in S.B. Criminal Misc. Bail Application No. 3216/2026, whereby bail was granted to the co-accused, Guramanpreet Singh. Learned counsel further alleges non-compliance with the procedure prescribed under Section 52A of the NDPS Act, and accordingly prays for grant of bail.

4. Per contra, learned Public Prosecutor opposes the bail application, contending that the petitioner was driving the vehicle in which the contraband was being transported and that the recovery was effected from two bags kept therein. It is further submitted that the impugned order records numerous criminal antecedents and previous convictions against the petitioner, which

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are relevant to the assessment of his conduct and the likelihood of repetition of the offence.

5. Heard learned counsel for the parties and perused the material available on record.

6. In the present case, 34.980 Kg. of poppy husk is alleged to have been recovered from the car being driven by the petitioner, in which co-accused Guramanpreet Singh was seated in the front passenger seat. The charge-sheet has been filed. The alleged contraband is below the notified commercial quantity for poppy straw. ***As per petitioner's criminal antecedents recorded in the impugned order, a total of 25 cases have previously been registered against him, out of which 19 cases are under NDPS Act, wherein he has been convicted in 11 cases. The remaining 06 cases are of a different nature, wherein he has been convicted in 05 cases.***

7. The principal submission on behalf of the petitioner is that, since the alleged recovery is below commercial quantity, the restrictions under Section 37 of the NDPS Act are not attracted and the petitioner deserves to be released on bail. It is further submitted that the criminal antecedents alone do not justify refusal of bail, particularly when the charge-sheet has been filed and the petitioner has remained in custody since 26.02.2026. The petitioner has also relied upon the order granting bail to the co-accused.

8. The material on record indicates that the petitioner was allegedly driving the creta car in which two bags of poppy straw

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weighing 19.990 Kg and 14.990 Kg were being transported. The petitioner has also alleged lapses in drawing of samples and compliance with Section 52A of the NDPS Act. At this stage, the Court is not required to undertake a meticulous examination of the evidence or record a final finding on the merits of the prosecution case. The principal question, however, is whether the petitioner is entitled to bail merely because the alleged recovery is below the commercial quantity, particularly when his criminal antecedents disclose several previous cases, including convictions for offences under the NDPS Act. The alleged quantity does not attract the restrictions under Section 37(1)(b) of the NDPS Act. Nevertheless, the prayer for bail is required to be examined on its own merits, having regard to the material available on record and the other relevant circumstances.

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9. It is well settled that the grant or refusal of bail requires a judicious assessment of the relevant facts and circumstances of each case. While personal liberty is a valuable constitutional right, its protection must be balanced with the legitimate interests of society and the administration of criminal justice. The nature and gravity of the accusation, the role attributed to the accused, the material available on record, the criminal antecedents and the likelihood of repetition of the offence are relevant considerations for bail.

10. The Hon’ble Supreme Court has time and again laid down the principles for consideration of bail application. In this regard it will be relevant to refer to the judgment of the Hon'ble Supreme Court

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in the case of ***Mohseen vs. State of U.P., 2026 INSC 526,*** wherein the court observed as under:-

> "**33.** This Court has repeatedly emphasised that bail orders must be reasoned orders that engage with the material on record. In **Mahipal v. Rajesh Kumar, (2020) 2 SCC 118**, this Court held that bail orders must reveal the factors that weighed with the Court for granting relief, and that a mere recitation of *"the facts and circumstances of the case"* without more does not constitute a reasoned order. Further, in **Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496** this Court laid down the principles guiding the assessment of correctness of an order granting or rejecting bail:
>
> > "9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:
> >
> > **(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;**
> >
> > **(ii)** nature and gravity of the accusation;
> >
> > **(iii)** severity of the punishment in the event of conviction;
> >
> > **(iv)** danger of the accused absconding or fleeing, if released on bail;
> >
> > **(v)** character, behaviour, means, position and standing of the accused;
> >
> > **(vi) likelihood of the offence being repeated;**
> >
> > **(vii)** reasonable apprehension of the witnesses being influenced; and
> >
> > **(viii)** danger, of course, of justice being thwarted by grant of bail."

11. Similarly the Hon'ble Supreme Court *in* ***Ajwar v. Waseem, 2024 SCC OnLine SC 974***, has reiterated the relevance of criminal antecedents and probability of repetition while considering bail. The Court observed:

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> "**26.** While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, **the criminal antecedents of the accused**, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, **the likelihood of the accused being unavailable in the event bail is granted**, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail."

12. In ***Neeru Yadav v. State of Uttar Pradesh, (2016) 15 SCC 422***, the Hon'ble Supreme Court considered the question of parity vis-à-vis criminal antecedents. The relevant portion of para 13 and 15 are reproduced hereunder :-

> "13. We will be failing in our duty if we do not take note of the concept of liberty and its curtailment by law. It is an established fact that a crime though committed against an individual, in all cases it does not retain an individual character. It, on occasions and in certain offences, accentuates and causes harm to the society. The victim may be an individual, but in the ultimate eventuate, it is the society which is the victim. **A crime, as is understood, creates a dent in the law and order situation. In a civilised society, a crime disturbs orderliness. It affects the peaceful life of the society. An individual can enjoy his liberty which is definitely of paramount value but he cannot be a law unto himself. He cannot cause harm to others. He cannot be a nuisance to the collective. He cannot be a terror to the society;** and that is why Edmund Burke, the great English thinker, almost two centuries and a decade back eloquently spoke thus:-
>
> .....
>
> 15. **This being the position of law, it is clear as cloudless sky that the High Court has totally ignored the criminal antecedents of the accused. What has weighed with the High Court is the doctrine of parity. A history-sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such crimes, by no stretch of imagination, can be regarded as jejune.** Such cases do create a thunder and lightning having the effect potentiality of torrential rain in an analytical mind. The law expects the judiciary to be alert while admitting these kind of accused persons to be at large and, therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner."
>
> (emphasis supplied)

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13. In ***Zeba Khan v. State of U.P. & Ors., 2026 INSC 144***, the Hon'ble Supreme Court, while considering ***Ash Mohammad v. Shiv Raj Singh @ Lalla Babu,*** **(2012) 9 SCC 446** underscored that criminal antecedents cannot be ignored, particularly where the nature of allegations and their societal impact are grave. The Court clarified that while a history-sheeter is not disentitled to bail as a rule, antecedents constitute a significant factor in the exercise of judicial discretion.

14. It will be relevant to quote the observation of the Hon'ble Supreme court made in ***Ash Mohammad v. Shiv Raj Singh (supra)*** :-

> "19. We are absolutely conscious that liberty of a person should not be lightly dealt with, for deprivation of liberty of a person has immense impact on the mind of a person. Incarceration creates a concavity in the personality of an individual. Sometimes it causes a sense of vacuum. Needless to emphasize, the sacrosanctity of liberty is paramount in a civilized society. However, in a democratic body polity which is wedded to Rule of Law an individual is expected to grow within the social restrictions sanctioned by law. The individual liberty is restricted by larger social interest and its deprivation must have due sanction of law. **In an orderly society an individual is expected to live with dignity having respect for law and also giving due respect to others' rights**. **It is a well accepted principle that the concept of liberty is not in the realm of absolutism but is a restricted one**. The cry of the collective for justice, its desire for peace and harmony and its necessity for security cannot be allowed to be trivialized. **The life of an individual living in a society governed by Rule of Law has to be regulated and such regulations which are the source in law subserve the social balance and function as a significant instrument for protection of human rights and security of the collective**. It is because fundamentally laws are made for their obedience so that every member of the society lives peacefully in a society to achieve his individual as well as social interest. **That is why Edmond Burke while discussing about liberty opined, 'it is regulated freedom'.**
>
> 20. It is also to be kept in mind that individual liberty cannot be accentuated to such an extent or elevated to such a high pedestal which would bring in anarchy or disorder in the society. The prospect of greater justice requires that law and order should prevail in a civilized milieu. True it is, there can be no arithmetical

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formula for fixing the parameters in precise exactitude but the adjudication should express not only application of mind but also exercise of jurisdiction on accepted and established norms. Law and order in a society protect the established precepts and see to it that contagious crimes do not become epidemic. In an organized society the concept of liberty basically requires citizens to be responsible and not to disturb the tranquility and safety which every well-meaning person desires. **Not for nothing J. Oerter stated:**

'Personal liberty is the right to act without interference within the limits of the law.'

21. Thus analyzed, it is clear that though liberty is a greatly cherished value in the life of an individual, it is a controlled and restricted one and no element in the society can act in a manner by consequence of which the life or liberty of others is jeopardized, for the rational collective does not countenance an anti-social or anti-collective act." (emphasis supplied)

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15. In ***State of Karnataka v. Sri Darshan, (2026) 8 SCC 223,*** the Hon'ble Supreme Court relying on ***Pinki v. State of Uttar Pradesh, (2025) 7 SCC 314***, held that while personal liberty is a cherished constitutional value, it is not absolute. Liberty must yield where it poses a threat to the collective interest of society. No individual can claim a liberty that endangers the life or liberty of others, as the rational collective cannot tolerate anti-social or anti-collective conduct. The Court further emphasised the importance of obedience to law in the following words: ***"Obedience to law is demanded as a right, not asked as a favour. The need of the hour is to maintain the Rule of law at all times."***

16. The aforesaid judgments make it clear that the criminal antecedents of an accused and the likelihood of repetition of the offence are not extraneous considerations, rather are relevant factors in the judicial assessment of a bail application. However, the criminal antecedents of an accused cannot be considered in

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isolation or made the sole ground for refusing bail. If there is no prima facie material on record indicating the involvement of the accused in the offence alleged, mere record of previous criminal antecedents would be of no consequence. It is only when the material on record prima facie indicates his involvement in the case, his previous criminal antecedents become relevant for assessing the likelihood of him further indulging in similar activities if released on bail.

17. In the present case, the material on record revels that the petitioner was driving the Creta car from which the police had recovered 2 bags containing 34.980 KG of poppy straw. Position in law relating to conscious possession has been dealt with in detail by Hon'ble Supreme court in ***Madan Lal and Anr. Vs. State of H.P.,*** **2003 (7) SCC 465**, wherein it was observed as under :-

> "19. Whether there was conscious possession has to be determined with reference to the factual backdrop. The facts which can be culled out from the evidence on record are that all the accused persons were travelling in a vehicle, and as noted by the trial court, they were known to each other, and it has not been explained or shown as to how they travelled together from the same destination in a vehicle which was not a public vehicle.
>
> 20. Section 20 (b) makes possession of contraband articles an offence. Section 20 appears in Chapter IV of the Act, which relates to offences for possession of such articles. It is submitted that to make the possession illicit, there must be conscious possession.
>
> 21. It is highlighted that unless the possession was coupled with the requisite mental element, i.e., conscious possession and not mere custody without awareness of the nature of such possession, Section 20 is not attracted.
>
> 22. The expression "possession" is a polymorphous term that assumes different colours in different contexts. It may carry different meanings in contextually different backgrounds. It is impossible, as was observed in the Supdt. & Remembrancer of Legal Affairs, W.B. v. Anil Kumar Bhunja to work out a completely logical and precise definition of "possession" uniformly applicable to all situations in the context of all statutes.

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23. The word "conscious" means awareness of a particular fact. It is a state of mind which is deliberate or intended.

24. As noted in Gunwantlal v State of M.P. possession in a given case need not be physical possession but can be constructive, having power and control over the article in the case in question, while the person to whom physical possession is given holds it subject to that power or control.

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25. The word "possession" means the legal right to possession (see Heath v. Drown). In an interesting case, it was observed that where a person keeps his firearm in his mother's flat, which is safer than his own home, he must be considered to be in possession of the same.

26. Once possession is established, the person who claims that it was not a conscious possession has to establish it because how he came to be in possession is within his special knowledge. Section 35 of the Act gives a statutory recognition of this position because of the presumption available in law. Similar is the position in terms of Section 54, where a presumption is also available to be drawn from possession of illicit articles.

27. In the factual scenario of the present case, not only possession but conscious possession has been established. It has not been shown by the accused-appellants that the possession was not conscious in the logical background of Sections 35 and 54 of the Act."

18. In the facts and circumstances of the present case, the petitioner was allegedly driving the vehicle in which the contraband was being transported. His position as the driver, coupled with the circumstances surrounding the recovery, constitutes relevant material for examining his prima facie involvement in the offence. At this stage, the Court is not required to record a final finding on the question of conscious possession, that issue would be determined by the trial court on the basis of the evidence led during trial. However, for the purpose of deciding the present bail application, the material available on record cannot be disregarded while assessing the petitioner's alleged role in the transportation of the contraband.

19. Once such prima facie material is available, the criminal antecedents then become relevant while examining his prayer for

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bail. The criminal antecedent record of the petitioner shows that as many as 25 criminal cases have been registered against him, out of which 19 cases relate to offences under the NDPS Act. The Court is required to consider, having regard to such antecedents, whether his release may give rise to a likelihood of his again indulging in similar unlawful activities, thereby posing a potential threat to society

20. The aforesaid considerations assume particular significance in cases involving offences under the NDPS Act, having regard to the object and purpose of the legislation and the impact of illicit narcotics trafficking on society. The Act has been enacted to make stringent provisions for controlling and regulating activities relating to narcotic drugs and psychotropic substances. The impact of such offences is not confined to the individual accused but extends to society as a whole. The Hon'ble Supreme Court in ***Narcotics Control Bureau v. Kashif, 2024 INSC 1045***, while explaining the object and purpose of the Act, observed as under:—

> "7. A three-judge bench in case of Hira Singh and Another Vs. Union of India and Another, (2020) 20 SCC 272 expressing serious concern about the problem of drug addicts and mafia at the national and international level had observed that the provisions of NDPS Act are required to be interpreted keeping in mind the object and purpose of the said Act and the impact on the society as a whole. It was also observed that the Act is required to be interpreted literally and not liberally which may ultimately frustrate the object, purpose and Preamble of the Act. The precise observations made therein are reproduced hereunder:—
>
> > "10.5. The problem of drug addicts is international and the mafia is working throughout the world. It is a crime against the society and it has to be dealt with iron hands. Use of drugs by the young people in India has increased. The drugs are being used for weakening of the nation. During the British regime control was kept on the traffic of dangerous drugs by enforcing the Opium Act, 1857 the Opium Act, 1875 and the Dangerous Drugs Act, 1930. However, with the passage of

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> time and the development in the field of illicit drug traffic and during abuse at national and international level, many deficiencies in the existing laws have come to notice. Therefore, in order to remove such deficiencies and difficulties, there was urgent need for the enactment of a comprehensive legislation on narcotic drugs and psychotropic substances, which led to enactment of the NDPS Act. As observed hereinabove, the Act is a special law and has a laudable purpose to serve and is intended to combat the menace otherwise bent upon destroying the public health and national health. The guilty must be in and the innocent ones must be out. The punishment part in drug trafficking is an important one but its preventive part is more important. Therefore, prevention of illicit traffic in the Narcotic Drugs and Psychotropic Substances Act, 1985 came to be introduced. The aim was to prevent illicit traffic rather than punish after the offence was committed. Therefore, the courts will have to safeguard the life and liberty of the innocent persons. Therefore, the provisions of the NDPS Act are required to be interpreted keeping in mind the object and purpose of the NDPS Act; impact on the society as a whole and the Act is required to be interpreted literally and not liberally which may ultimately frustrate the object, purpose and Preamble of the Act. Therefore, the interpretation of the relevant provisions of the statute canvassed on behalf of the accused and the intervener that quantity of neutral substance(s) is not to be taken into consideration and it is only actual content of the weight of the offending drug, which is relevant for the purpose of determining whether it would constitute 'small quantity or commercial quantity', cannot be accepted."

21. Though the alleged recovery in the present case is below commercial quantity, and therefore, the restrictions contained in Section 37 of the NDPS Act may not be attracted on that count, but that does not by itself entitle the petitioner to bail. This Court is also conscious of the growing tendency of persons involved in illicit narcotics trafficking to transport contraband in quantities below the commercial threshold, with a view to circumventing the stringent provisions of Section 37 of the NDPS Act. Hence, the quantity of contraband cannot be treated as the sole consideration while deciding a bail application. The criminal antecedents of the accused, his role in the alleged offence and the likelihood of his

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reverting to similar unlawful activities upon release on bail, thereby posing a potential threat to society, are also relevant considerations. In this regard, the observations made by the Coordinate Bench of this Court in ***Rajesh Jain @ Munna Jain v. State of Rajasthan,*** S.B. Criminal Misc. Bail Application No. 4680/2024, decided on 03.09.2024, are relevant:-

> "In the opinion of this Court, merely because the petitioner is implicated for accusation relating to small or intermediate quantity of contraband cannot ipso facto confer a right of bail, on such a suspect or accused. The leaders of organized crime often exploit vulnerable individuals, such as the indigent, poor, unemployed, or those with financial obligations, by enticing them to act as small peddlers for the trafficking of small and intermediate quantities of contraband. They believe they can escape arrest, or the 'so-called vicious cycle', if the quantity is small or intermediate. These peddlers often become habitual offenders being involved in numerous cases under NDPS, like the present petitioner against whom fifteen criminal cases are registered for offence under Section NDPS Act, thus, petitioner misused the liberty granted to him again and again, therefore, it becomes an important ingredient while examining claim for bail. The bail applications filed under the guise of small or below commercial quantities can give a suspect leverage to continue inhumane trade and nefarious activities, thereby destroying society and exploitation of youth. Such individuals are causing harm to the health of those caught in such illegal activities. Thus, the enlargement on bail is likelihood to give rise to similar offence(s) being repeated by the bail petitioner, which shall certainly cause further damage and exploitation to the society at large."

22. Similar observations have also been made by another Coordinate Bench of this Court in ***Karan Mehra v. State of Rajasthan,*** **S.B. Criminal Misc. Bail Application No. 8926/2025**, while considering the question of grant of bail in a case involving transportation of contraband below the commercial threshold. The Court observed as under:-

> ".....It is becoming a rather **common tactic of organized drug syndicates to import drugs in quantities just below the commercial threshold to deliberately circumvent the strict provisions of Section 37 of the NDPS Act. This is a calculated move to secure easy bail and continue their**

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illegal operations without significant disruption. Granting bail in such a situation would be tantamount to encouraging this very tactic and would render the law's intent to combat large-scale drug trafficking ineffective. It would send a clear message that as long as traffickers keep their consignments below a certain weight, they can operate with relative impunity. The devastating impact of this type of trafficking on the youth of our nation cannot be overstated. Drug syndicates are increasingly targeting highly educated individuals, including university students and young professionals from well-off families. They are lured into these schemes with promises of easy money, all-expenses-paid trips, and luxurious lifestyles. These educated and privileged youth are often seen as less likely to be suspected by law enforcement, making them ideal drug mules. Their naivety and desire for quick wealth are exploited, leading to addiction and a complete ruin of their academic and professional careers. They become not just consumers but cogs in a larger criminal machine, a situation far more worrying than simple drug use. While the petitioner's counsel has emphasized the long period of custody and the completion of the charge sheet, these factors do not automatically entitle the petitioner to bail. **The nature of the offence and the likelihood of the accused to abscond or interfere with the investigation, as well as the potential for them to continue their illegal activities, are paramount considerations**. Given the high-value contraband and the sophisticated nature of the crime, there is a significant risk that the petitioner could flee or attempt to influence witnesses if released. The duration of custody is not a standalone reason to grant bail when the very act of granting it could undermine the larger fight against drug trafficking. The arguments presented by the respondents regarding the nature and value of the drug, the sophisticated modus operandi, and the potential link to organized crime are compelling and cannot be dismissed. The court must prioritize the public interest and the need to send a strong message against drug trafficking, even when the recovered quantity is technically below the commercial threshold. To grant bail would be to ignore the very essence of the NDPS Act and the evolving challenges posed by modern drug syndicates."

23. The petitioner has also questioned compliance with Section 52A of the NDPS Act, contending that the prescribed procedure relating to sampling was not followed. In ***Narcotics Control Bureau v. Kashif (supra),*** the Hon'ble Supreme Court has considered the effect of non-compliance with the procedure prescribed under Section 52A of the NDPS Act and observed that any procedural illegality in conducting the search and seizure by itself would not make the entire evidence collected thereby

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inadmissible, nor entitle the accused to be released on bail. The relevant para is quoted as under : -

> "39. The upshot of the above discussion may be summarized as under:
> (iv) Sub-section (2) of Section 52A lays down the procedure as contemplated in sub-section (1) thereof, and any lapse or delayed compliance thereof would be merely a procedural irregularity which would neither entitle the accused to be released on bail nor would vitiate the trial on that ground alone.
>
> (v) Any procedural irregularity or illegality found to have been committed in conducting the search and seizure during the course of investigation or thereafter, would by itself not make the entire evidence collected during the course of investigation, inadmissible. The Court would have to consider all the circumstances and find out whether any serious prejudice has been caused to the accused.
>
> (vi) Any lapse or delay in compliance of Section 52A by itself would neither vitiate the trial nor would entitle the accused to be released on bail. The Court will have to consider other circumstances and the other primary evidence collected during the course of investigation, as also the statutory presumption permissible under Section 54 of the NDPS Act."

24. In the present case, in light of the aforesaid legal position, at this stage the alleged procedural lapse by itself does not furnish sufficient ground for grant of bail. The question of admissibility and evidentiary value of the material collected during investigation, including the effect of any procedural lapse, shall remain open for consideration by the trial court in accordance with law.

25. The petitioner has also sought parity with co-accused Guramanpreet Singh, who was granted bail by this Court vide order dated 17.03.2026. The grant of bail to a co-accused is certainly a relevant consideration, but the petitioner in the present case cannot seek parity, as Guramanpreet Singh had no previous antecedent at all, and was a young boy of only 19 years, who had accompanied the petitioner.

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26. The investigation has been completed and the charge-sheet has been filed. The petitioner has remained in custody since 26.02.2026, and the trial may take some time to conclude. However, these circumstances, though relevant, cannot be considered in isolation and have to be weighed against the petitioner's alleged role in the transportation of the contraband and his criminal antecedents.

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27. Upon a cumulative consideration of the material available on record and the submissions advanced by the respective parties, this Court finds that the alleged recovery being below commercial quantity cannot be considered in isolation. The material on record prima facie indicates the petitioner's involvement in the present offence. His criminal antecedents, particularly the repeated registration of cases under the NDPS Act, also give rise to an apprehension that he may indulge in similar activities if released on bail. The liberty of an individual cannot be considered in disregard of the potential harm to society. The circumstances relating to completion of investigation, the period of custody, the grant of bail to the co-accused and the objection concerning Section 52A of the NDPS Act have also been duly considered. However, having regard to the overall facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail.

28. Consequently, the present bail application preferred by the petitioner Balvinder Singh S/o Shri Jagdish Singh, in FIR No. 26/2026 registered at Police Station Pallu, District Hanumangarh, is Dismissed.

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29. Needless to observe that the observations made hereinabove are confined to the consideration of the present bail application and shall not be construed as an expression of opinion on the merits of the case. The trial court shall decide the case independently, on the basis of the evidence available on record and in accordance with law.

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