



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-37824-2024 (O&M)
Date of Decision:-13.8.2024

Bhagwan Dass ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

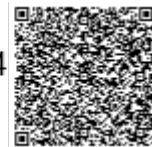
Present:- Mr. Lakhwinder S. Sidhu, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana,
assisted by ASI Madan Lal.

FIR No.	Dated	Police Station	Section/s
47	31.3.2021	Odhan, District Sirsa	15 of Narcotic Drugs and Psychotropic Substances Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the case of prosecution, a secret information was received by the police on 31.3.2021 to the effect that Gurjeet Singh, who indulges in sale and purchase of ‘*poppy husk*’, was proceeding in his white coloured ‘*swift car*’ from Dabwali towards his ‘*Dhani*’ in Village Mithri and was carrying ‘*poppy husk*’. Pursuant to receipt of said information, barricading was laid and the police was able to intercept a car driven by Gurjeet Singh in which one more



person i.e. the petitioner was sitting alongwith the driver on the front seat. Upon search of the car 4 bags of '*poppy husk*' total weighing 75 kilograms were recovered.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the petitioner has been behind bars for a substantial period of about 3 years, 4 months and 12 days and that as on date only 6 PWs out of the cited 13 PWs have been examined. Learned counsel submitted that the petitioner, in any case, is also entitled to grant of bail on grounds of parity inasmuch co-accused Gurjeet Singh, who was driving the vehicle, has already been granted bail by a Coordinate Bench of this Court vide order dated 5.7.2024 passed in CRM-M-24376-2024 (Annexure P-9).
4. Opposing the petition, learned State counsel submitted that since it is a case of recovery of 'commercial' quantity of contraband, the fetters imposed by Section 37 of NDPS Act would be attracted. Learned State counsel has further informed that the petitioner happens to be involved in one more case though not under NDPS Act. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last about 3 years, 4 months and 12 days and that as on date 6 PWs out of the cited 13 PWs have been examined.
5. This Court has considered rival submissions addressed before this Court.
6. While it is correct that strict conditions have been imposed in the matter of grant of bail by virtue of Section 37 of NDPS Act, but at the same time the said conditions also have to be weighed in context of Article 21 of



Constitution of India. In the instant case, the custody of about 3 years, 4 months and 12 days during trial certainly is a substantial amount of custody particularly when the conclusion of trial is not immediately in sight inasmuch as only 6 PWs out of the cited 13 PWs have been examined so far. In these circumstances, further detention of the petitioner would not be justified.

7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.8.2024
Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No