



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

CRM-M-399-2025

Date of Decision: 19.03.2025

Inderjeet Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Parminder Singh Sekhon, Advocate
Mr. Kaushal Chahal, Advocate, for the petitioner.
Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.34 dated 23.03.2024 under Section 22(c) and 29 of NDPS Act, 1985, registered at Police Station Maur, District Bathinda.

2. Succinctly, facts of the case are that on 23.03.2024 the Police party while on patrolling saw a person carrying a transparent plastic bag in his hand, in which tablets were clearly visible. On suspicion, he was stopped and on asking, he disclosed his name as Inderjit Singh (petitioner). The plastic bag in his hand was asked to be searched. ASI himself conducted the search of the bag and 110 strips each strip containing 10 intoxicant tablets make Alprazolam were recovered. Thus, total 1100 intoxicant tablets were recovered. He failed to produce any licence regarding possession of the same and thus, the FIR was registered and he was arrested on the spot. Samples taken were sent to the FSL. On registration of the FIR, the investigation commenced. The petitioner approached the Court of learned



Additional Sessions Judge, Bathinda praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 16.07.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case as is evident from the case of the prosecution. He submits that the case foisted upon the petitioner is on the basis of the cock and bull story. He submits that the petitioner has been shown to have been carrying a transparent plastic bag from which intoxicating tablets were visible, which is totally an unbelievable story. He submits that father of the petitioner is running a chemist shop. He submits that recovery in the present case has been allegedly effected at a public place, however, no independent witness has been joined. He submits that the petitioner has no criminal antecedents as he has never been involved in any other case. He submits that the petitioner is behind bars 23.03.2024, however, there is no progress in the trial till date. He, thus, submits that in the facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that it is a chance recovery made from the petitioner. On conducting search of the bag he was holding, 1100 intoxicant tablets were recovered, which as per FSL found to be 195 grams of Alprazolam, which falls under the commercial quantity and



hence, provisions of Section 37 of the NDPS Act are attracted. He submits that charges are framed, however, out of total 17 prosecution witnesses (one witness given up), none has been examined as on date. He has produced the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner was found to be 1100 tablets containing Alprazolam. As per FSL, the same was found to be 195 grams. The custody certificate would show that the petitioner has completed incarceration of 11 months & 20 days as on 18.03.2025 and he is not involved in any other case. Though the charges are framed, however, no witness has been examined till date.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.



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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.’

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing his bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.



9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.03.2025

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(RAJESH BHARDWAJ)
JUDGE

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