



CRM-M-996-2025

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

CRM-M-996-2025

Date of Decision: 08.05.2025

Bikram Kumar Dangi @ Bikram @ Vikram

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Inderpreet Singh Kooner, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present second petition praying for granting regular bail in a case FIR No.484 dated 10.08.2023 under Sections 18 and 29 of the NDPS Act, 1985, at Police Station Gharaunda, District Karnal.

2. Succinctly, facts of the case are that on 10.08.2023, the police party while on patrolling received a secret information to the effect that Vikram (petitioner) and Basanti Devi are indulged in selling opium and it was informed that they had brought opium from Jharkhand and were sitting with the contraband (opium) below fly over in front of new Bus Stand and if raid is conducted, they could be arrested alongwith the contraband. On receiving the information, a raiding team was constituted. The raiding team reached at the place disclosed. Both the persons as disclosed in the secret information were found sitting there. One women holding a heavy orange colour bag in her right hand and one young boy were found sitting there. Both of them were overpowered. On asking, the boy disclosed his name as Vikram (petitioner) and the woman disclosed her name as Basanti Devi. They were suspected to be carrying some contraband in the bag being hold



by the woman and thus, they were given offer to be searched. On conducting search of the bag, 4.5 kgs of opium was recovered. They failed to produce any licence regarding the possession of the same. Hence, the FIR was registered and they were arrested on the spot. On registration of the FIR, the investigation commenced. Sample taken were sent to the FSL. On completion of the investigation, the challan was presented. The petitioner approached the Court of learned Additional Sessions Judge, Karnal 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 26.02.2024. Thereafter, the petitioner approached this Court by way of filing CRM-M-13633-2024 for grant of regular bail, however, the same was dismissed as withdrawn vide order dated 23.10.2024. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that FIR in the present case has been filed on the basis of the secret information. He submits that recovery in the present case has been allegedly effected from a public place, however, no independent witness has been joined and thus, there is a violation of mandatory provisions of Section 42 of the NDPS Act. He submits that even otherwise, there is a violation of Section 50 of the NDPS Act as well. To buttress his arguments, he submits that recovery in the present case has been effected from the bag being carried by co-accused Basanti Devi, who has already been granted regular bail by this Court vide order dated 11.12.2024. He submits that though the



petitioner was alleged to be with the co-accused, but no recovery has been effected from him. He submits that the petitioner is behind bars since the date of his arrest. He further submits that the petitioner has no criminal antecedents as he has never been involved in any other case except the present case. It is submitted that despite there being a long custody, the prosecution has not been able to conclude the trial. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that name of the petitioner and co-accused were specifically mentioned in the secret information. He submits that recovery was effected on due compliance of mandatory provisions of the NDPS Act and both the petitioner and the co-accused were arrested on spot. He submits that recovery effected in this case is 4.5 kgs of opium, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions from ASI Manjit Singh, he has submitted that out of 23 prosecution witnesses, 01 witness has been examined. He has placed on record the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that FIR in the present case has been lodged on the basis of the secret information. The alleged recovery in the present case has been effected from the bag being carried by co-accused, Bansant Devi, who has already been granted regular bail by this Court. Only one witness, out of total 23 prosecution witness has been examined. The custody certificate



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reflects that the petitioner has suffered incarceration of 01 year 8 months & 21 days as on 07.05.2025. It further reflects that the petitioner has no criminal antecedents.

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 his furnishing 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.

(RAJESH BHARDWAJ)
JUDGE

08.05.2025

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