



227

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

**CRM-M No.3675 of 2025
Date of decision: 24.07.2025**

Ram Dhari**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kapil Kumar Khatter, Advocate
for the petitioner.

Ms. Simran Gorla, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.70, dated 02.06.2023 (Annexure P-1), under Sections 20/20(c) of NDPS Act (Sections 27/27-A, 29/61/85 of NDPS Act added later on), registered at Police Station City Budhlada, Police District Mansa, District Mansa.

2. Succinctly the facts of the case as disclosed in the FIR are that Surinder Singh, son of Hari Das has disclosed during his interrogation that he along with his partner, namely, Ram Dhari (petitioner) son of Girdhari, had sold narcotic substance, i.e. Ganja, to his relatives, namely, Ramphal and Ram Dayal. It was disclosed that Ramphal and Ram Dayal were likely to receive huge quantity of Ganja and in case of raid is



conducted, the narcotic substance, i.e. Ganja, could be recovered. On the basis of this disclosure, the raid was conducted at the house of Ram Dayal and 05 bags, each weighing 30 Kgs, i.e. total 150 Kgs of Ganja, was recovered. He failed to produce any licence regarding the conscious possession of the same and thus the FIR was registered and Ram Dayal was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, the petitioner was arrested on 02.09.2024. The petitioner approached the Court of learned Judge, Special Court, Mansa praying for the grant of bail. However after hearing both the sides, finding no merit in the same, the learned Judge, Special Court, Mansa declined the petition filed by the petitioner vide order dated 26.11.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, namely, Surinder Singh. He has submitted that neither there was any recovery made from the petitioner nor he has any complicity in the present case. He has submitted that the disclosure statement of co-accused itself is not an admissible evidence. He has submitted that co-accused, Surinder Singh, on whose statement, the petitioner has been named in the present FIR, has already been released on bail by this Court vide order dated 18.09.2024. He has submitted that the petitioner has been falsely implicated in one more case, however he is on bail in that case. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has



opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner was duly named in the FIR wherein he along with the co-accused was involved in selling the narcotic substance, i.e. Ganja. She has submitted that the recovery effected in the present case is 150 Kgs, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of 12 prosecution witnesses, no witness has been examined till date. She has stated that the petitioner is involved in one more case. She has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been named in the FIR by the co-accused, Surinder Singh. Though the recovery in the present case is 150 Kg, however the co-accused, Surinder Singh, on whose statement, the petitioner was arrayed as an accused in the present case, has already been enlarged on bail by this Court vide order dated 18.09.2024. The investigation is complete and the charges are framed. Out of 12 prosecution witnesses, none has been examined so far. Custody certificate produced by the learned State counsel would show that the petitioner has suffered incarceration of 10 months and 19 days as on 23.07.2025. The petitioner is involved in one more case. The quantity recovered in the present case is 150 Kgs, which is commercial in nature.

7. After perusal of the order passed by the Hon'ble Supreme Court in *Mohd Muslim @ Hussain vs. State (NCT of Delhi), 2023 Live Law (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.*
xxxxxx xxxxxxxx
21. *.....it 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.*
xxxxxx xxxxxxxx
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.'*



8. 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

(RAJESH BHARDWAJ)
JUDGE

24.07.2025

rittu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No