



CRM-M-4499 of 2025

-1-

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

214

**CRM-M-4499 of 2025
Date of Decision: 25.08.2025**

Balram

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. P.K. Kapila, Advocate for the petitioner.

Mr. Satvir Mander, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.101 dated 31.07.2023 registered under Sections 20(c) and 27/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Budhlada, District Mansa.

2. Brief facts of the present case are that as per the prosecution, SHO Bhupinderjit Singh, along with his fellow police officials was on patrolling duty and on suspicion, they apprehended the petitioner as well as co-accused Mewa Singh who were found in conscious possession of 70 kg. Ganja, which falls under the commercial category.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner has not committed any offence and has clean antecedents. He further contends that mandatory provisions of the NDPS Act were not complied with at the time

**CRM-M-4499 of 2025****-2-**

of alleged search and seizure. The petitioner is in custody since 31.07.2023. The investigation in the case is complete and challan has also been filed. He further submits that the trial may take quite a long time and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, filed custody certificate of the petitioner. He has opposed the prayer for grant of bail on the ground that the allegations levelled against the petitioner are serious in nature. The alleged recovery of contraband effected from the petitioner as well as co-accused Mewa Singh falls under the commercial category. However, he does not controvert the fact that the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is found that the petitioner is in custody for the last more than 02 years and the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. A two-Judge Bench of the Hon'ble Supreme Court, in ***Nandlal Mondal @ Abhay Mondal v. State of West Bengal***, SLP (Crl.) **No.12788/2023**, granted bail to the accused after 18 months of incarceration on the ground of delay in trial in an NDPS matter involving commercial quantity of contraband. Similar relief has been granted by the Hon'ble Supreme Court in a series of judgments, namely: *Md. Aliul Islam @ Aliul*



CRM-M-4499 of 2025

-3-

Islam @ Alius v. State of West Bengal, SLP (Crl.) No. 736/2024; *Debrata Mondal v. State of West Bengal*, SLP (Crl.) No.14970/2023; *Santarul Islam @ Santa v. State of West Bengal*, SLP (Crl.) No.13169/2023; *Indrajit Mondal @ Piglu v. State of West Bengal*, SLP (Crl.) No.8512/2023; *Narjul Islam @ Najbul Hoque v. State of West Bengal*, SLP (Crl.) No.14172/2023; *Subhashri Das @ Rana @ Subhoshree v. State of West Bengal*, SLP (Crl.) No.15284/2023; *Mithun Sk. & Anr. v. State of West Bengal*, SLP (Crl.) No.16598/2023; *Sk. Nasiruddin @ Nasirddin Sk. v. State of West Bengal*, SLP (Crl.) No.3402/2024; *Indadul Shah v. State of West Bengal*, SLP (Crl.) No.12670/2023; *Hanef Kharsani @ Hanef Sheikh v. Union of India*; *Ripon Seikh & Ors. v. State of West Bengal*, SLP (Crl.) No.16663/2023; *Moidul Sarkar v. State of West Bengal*, SLP (Crl.) No.15668/2023; *Saniya Bibi @ Soniya Bibi v. State of West Bengal*, SLP (Crl.) No.2354/2024; *Saddam Hossain v. State of West Bengal*, SLP (Crl.) No.15496/2023; *Bijon Sk. @ Golam Murselim v. State of West Bengal*, SLP (Crl.) No.6046/2024; and *Subhas v. State of West Bengal*, SLP (Crl.) No.8823/2019.

8. Moreover, prolonged detention of the petitioner, without any likelihood of the trial being concluded in the near future, would amount to a violation of their fundamental rights guaranteed under Article 21 of the Constitution of India. The Hon'ble Supreme Court, in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi)***, 2023 AIR SC 1648, while dealing with an NDPS case, held that the principles of fairness embodied under Article 21 of the Constitution override the statutory restrictions on grant of bail under Section 37 of the NDPS Act. Speaking through Justice S. Ravindra Bhat, the Court observed:



"20. The standard to be considered therefore, is one, where the court would look at the material in a broad manner, and reasonably see whether the accused's guilt may be proved. The judgments of this court have, therefore, emphasized that the satisfaction which courts are expected to record, i.e., that the accused may not be guilty, is only prima facie, based on a reasonable reading, which does not call for meticulous examination of the materials collected during investigation (as held in Union of India v. Rattan Malik). Grant of bail on ground of undue delay in trial, cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436A which is applicable to offences under the NDPS Act too (ref. Satender Kumar Antil supra) . Having regard to these factors the court is of the opinion that in the facts of this case, the appellant deserves to be enlarged on bail.

21. Before parting, 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 . Jails are overcrowded and their living conditions, more often than not, appalling."

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

25.08.2025

D.Bansal

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