



CRM-M-8146-2025

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

CRM-M-8146-2025

Date of Decision: 25.08.2025

Bali Ahmad

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amandeep Singh, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.68 dated 25.04.2024 under Sections 18 of NDPS, 1985, registered at Police Station GRP, Ludhiana.

2. Succinctly, facts of the case are that on 25.04.2025, the police party while on patrolling, saw a person coming who was carrying a bag. On seeing the police, he got perplexed and started walking briskly towards the outer side of Railway Station alongwith the bag so as to avoid the police. However, on suspicion, he was stopped by the police and on asking, he disclosed his name to be Bali Ahmad (petitioner). He was suspected to be carrying some contraband in the bag being carried by him. Search of the bag was conducted in the presence of DSP. On conducting search, 03 kgs of opium was recovered from the bag of the petitioner. The petitioner failed to produce any licence regarding possession of the same and thus, on the registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. On receipt of the FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached the Court of learned Judge, Special Court, Ludhiana 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 10.12.2024. Hence, the petitioner has approached this Court praying for grant of regular 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 implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined. He submits that there is a violation of mandatory provisions of Section 50 of the NDPS Act. He submits that the petitioner has no criminal antecedents, he has never been involved in any other case except the present case. He submits that the petitioner is behind bars from the last more than one year, however, there is no material progress in the trial. He submits that false implication of the petitioner is writ large and thus, in the facts and circumstances of the present case, he deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that the recovery effected from the petitioner is 3 kgs of opium, which is commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions, she has submitted that out of 16 prosecution witnesses, 03 witnesses have been examined so far. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 25.04.2024. Recovery has been effected from a public place, but as



contended no independent witness has been joined at the time of effecting recovery. As submitted before this Court, 03 witnesses have been examined out of 16 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 01 years, 03 months & 28 days as on 24.08.2025. It further shows 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

25.08.2025
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No