



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

CRM-M-14682-2025

Date of decision : 15.09.2025

Jai Pal Sharma

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. S.S. Gill, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.58 dated 29.05.2023, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Anaj Mandi, Patiala, District Patiala.

2. Succinctly the facts of the case are that the Police party while on patrolling on 29.05.2023, saw a car bearing registration No.PB-08-CA-9966 which was parked near the shed. A person was sitting on the driver seat who had kept a heavy cloth bag on the front seat of the car. On seeing the police, he got perplexed and tried to escape, however, on suspicion he was apprehended. On asking, he disclosed his name as Jai Pal (present petitioner). He was suspected to be carrying some contraband in some heavy cloth bag and thus, the same was searched. On conducting the search, 6000 intoxicant tablets containing Alprazolam and 7000 intoxicant tablets containing Tramadol Hydrochloride Tablets. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented. On framing of charges, the trial Court commenced the trial. The



petitioner approached the Learned Judge, Special Court, Patiala praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Patiala vide order dated 06.08.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-49968-2024, however, the same was dismissed as not pressed vide order dated 16.10.2024. Hence, the petitioner is before this Court by way of filing of present second petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the recovery effected from the petitioner has been planted upon him in a pre meditated manner. He submits that the compliance of Section 50 of NDPS Act, was mandatory in conducting the search, however, there is violation of the same. He submits that the samples have also been taken in violation of the statutory provisions of NDPS Act. He submits that though the petitioner is falsely involved in one more case, however, he is on bail in the same. He submits that the petitioner is behind bars from last more than 02 years, however, there is no material progress in the trial and thus, his right of speedy trial has been defeated. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that as per the FSL report, the weight of alleged recovery of 6000 intoxicant tablets containing Alprazolam was found to be 762 grams and weight of 7000 intoxicant tablets containing Tramadol Hydrochloride Tablets was found to be 2695 grams, which is a commercial quantity and thus, provisions of



Section 37 of NDPS Act, are attracted in the present case. He submits that the recovery has been effected on due compliance of provisions of NDPS Act. He, on instructions, has submitted that out of total 19 prosecution witnesses only 01 witnesses has been examined till date. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 29.05.2023. The alleged recovery effected from the petitioner is 762 grams of Alprazolam tablets and 2695 grams of Tramadol Hydrochloride Tablets. As per custody certificate, the petitioner has suffered incarceration of 02 years, 03 months and 11 days as on 13.09.2025. It further reflects that though the petitioner is involved in another case, however, he is on bail in the same. As submitted before this Court, only 01 witness has been examined so far, out of total 19 prosecution witnesses.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.

20. xxxxx

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.

22. xxxxx

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 conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. The Hon’ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While

deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

9. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

10. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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.

15.09.2025
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(RAJESH BHARDWAJ)
JUDGE

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