



243+250 (2 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-29304-2025

Jarnail SinghPetitioner

versus

State of Punjab Respondent

2. CRM-M-38341-2025

Nardev Singh @ NebiPetitioner

versus

State of Punjab Respondent

Date of decision : 27.11.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Arshpreet Khadial, Advocate
for the petitioner in CRM-M-29304-2025.

Mr. Charanjit Singh Bahia, Advocate
for the petitioner in CRM-M-38341-2025.

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

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of
abovesaid two petitions as they have arisen out of the same FIR.

2. Petitioners have approached this Court by way of present
petitions praying for granting them regular bail in case FIR No.0073 dated
10.09.2024, under Sections 15(c) of Narcotic Drugs and Psychotropic
Substances Act, 1985, (Sections 29/61/85 of NDPS Act added lateron)
registered at Police Station Balianwali, District Bathinda.



3. Succinctly, the facts of the present case are that the police party, while on patrolling on 10.09.2024, when reached at the main road near the village Mandi Kalan then two youngsters were reversing their cars towards each other and were seen flipping the sacks from one car to another. They were suspected to be carrying some contraband as poppy husk was seen scattered near the bags. The police apprehended both of them and on asking, they disclosed their names to be Jarnail Singh (petitioner in CRM-M-29304-2025) and Nardev Singh @ Nebi (petitioner in CRM-M-38341-2025). On search, 01 bag was lying in the *diggy* of Swift car and 03 bags were lying in the *diggy* of Duster car. Total 04 bags containing poppy husk were recovered and on weighing the same, total weight was found to be 79.990 kgs of poppy husk. Both failed to produce licence regarding possession of the same and hence, the FIR was registered and they were arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, the trial commenced. The petitioners approached the Learned Judge, Special Court, Bathinda praying for grant of bail, however, finding no merit, their applications were declined after hearing both the sides by Learned Judge, Special Court, Bathinda vide orders dated 06.02.2025 and 17.03.2025, respectively. Aggrieved by the same, petitioners are before this Court by way of filing of present petitions for grant of bail.

4. Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely implicated in the present case. It is submitted that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the compliance of Section 50 of



NDPS Act, was mandatory however, there is blatant violation of the same.

It is submitted that even otherwise the recovery effected is about 80 kgs of poppy husk whereas the quantity above 50 kgs falls under the category of commercial quantity. Learned counsel for petitioner-Nardev Singh @ Nebi, has submitted that though the petitioner has faced prosecution in 03 other cases, however, he is on bail in those cases. Counsel for petitioner-Jarnail Singh has submitted that the petitioner is involved in 01 more case under the NDPS Act, however, he was released on probation in the same. It is thus, submitted that in the facts and circumstances of the case, petitioners deserve to be granted bail.

5. Learned State counsel has opposed the submissions made by the counsel for the petitioners and submits that the recovery effected from the petitioners is 79.990 kgs of poppy husk which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of total 20 prosecution witnesses, only 05 witnesses have been examined so far. He has produced the custody certificates of the petitioners on record.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from 02 cars was 79.990 kgs of poppy husk which is a commercial quantity. The petitioners are behind bars since the date of their arrest i.e. 10.09.2024. As per custody certificate, petitioner-Jarnail Singh has suffered an incarceration of 01 year, 02 months and 13 days as on 26.11.2025. It further reflects that he is involved in one more case, however, he is on bail in that case. Petitioner-Nardev Singh @ Nebi has suffered an incarceration of 01 year, 02 months and 13 days as on 26.11.2025. It further reflects that he is involved in 02 more cases, however, he is on bail in those cases. As



submitted before this Court, out of total 20 witnesses, only 05 have been examined till date.

7. 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:-

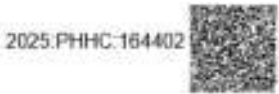
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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.

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. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners are ordered to be released on bail on their 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.

27.11.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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