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

**CRM-M No.18768 of 2025
Date of Decision: 22.08.2025**

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

Present :- Mr. Surinder Pal Singh Tinna, Advocate
for the petitioner.

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

***********RAJESH BHARDWAJ, J. (Oral)**

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.14, dated 07.03.2024 (Annexure P-1), under Section 22(c) of NDPS Act, 1985, registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. Succinctly the facts of the case are that the police party, while on patrolling on 07.03.2024, spotted two persons, who were having a black colour polythene envelope and searching the tablets in the same by parking their motorcycle. On seeing the police, they got perplexed and tried to escape from there, however they were apprehended. On asking, they disclosed their names to be Jang Bahadar @ Mahanti (petitioner) and Sukhjinder Singh. They were suspected to be carrying some contraband in the polythene envelope and thus, the same was searched. On conducting



the search, 1000 intoxicant tablets were recovered. They failed to produce any license regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. The contraband recovered was found to be 372 grams of Tramadol Hydrochloride. On completion of the investigation, challan was presented and on framing of the charge, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Sri Muktsar Sahib praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the same was dismissed by the learned Judge, Special Court, Sri Muktsar Sahib vide order dated 22.07.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-58071 of 2024, however the same was dismissed vide order dated 26.11.2024. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that the alleged recovery has been effected from the public place, however, no independent witness was joined. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 07.03.2024 and thus, has completed incarceration of about 1½ years, however, there is no progress in the trial. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that on the earlier occasion, when the



petitioner approached this Court, no witness was examined. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that the recovery has been effected from the petitioner and the co-accused and both were arrested on the spot. She has submitted that the recovered contraband is 372 grams of Tramadol Hydrochloride, 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 17 prosecution witnesses, only 02 witnesses have been examined till date. She has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, i.e. 07.03.2024. The recovery effected from the petitioner is a commercial quantity being 372 grams of Tramadol Hydrochloride. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 05 months and 11 days as on 20.08.2025. It further reflects that the petitioner is not involved in any other case. Out of 17 prosecution witnesses, only 02 witnesses have been examined till date. Needless to say that every accused has a fundamental right of speedy trial.

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:-

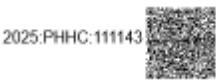
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether; resulting in punitive detention and unsanctioned preventive detention as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

9. 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. Accordingly, the present petition is allowed. 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.

22.08.2025

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

(RAJESH BHARDWAJ)
JUDGE