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

CRM-M-26077-2025

Date of decision : 28.11.2025

Gopal @ Vicky**....Petitioner****versus****State of Haryana****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kamil Nagpal, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.62 dated 21.01.2024, under Section 22(c), 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 21.01.2024, received a secret information to the effect that Gopal @ Vicky was involved in selling of narcotic drugs. It was informed that he would go on his Hero Splendor bike towards Bank colony Yamuna Nagar. It was informed that he was carrying a yellow coloured polythene hanging on the left side of the motorcycle. In case the barricading is laid, he could be arrested along with contraband. On receiving the secret information, the raiding party reached at the place disclosed and laid the barricading. A person riding on the motorcycle was seen coming. On seeing the police, he got perplexed and threw a bag which he was carrying on the motorcycle. Though he tried to escape,



however, he was overpowered by the police party. On asking, he disclosed his name to be Gopal @ Vicky (present petitioner). He was suspected to be carrying some contraband in the bag thrown by him and thus, the same was searched. On conducting the search, 680 capsules of Tramadol Hydrochloride were recovered from the same. 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, the capsules recovered were found to be weighing 357.6 grams of Tramadol Hydrochloride. On presentation of the challan, charges were framed and on framing of charges, trial commenced. The petitioner approached the Learned Additional Sessions Judge, Yamuna Nagar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Yamuna Nagar vide order dated 23.07.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-38520-2024, however, the same was dismissed as withdrawn on 20.01.2025. Hence, 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 present FIR has been registered on the basis of secret information. He submits that there is gross violation of provisions of Section 42 of NDPS Act. He submits that the compliance of Section 50 of NDPS Act, was mandatory in conducting the search, however, there is violation of the same as well. He submits 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 petitioner is behind bars since



the date of his arrest, however, there is no material progress in the trial. He submits that though petitioner is prosecuted in 02 more FIRs, however, he is on bail in those cases. 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 the petitioner was specifically named in the secret information. On conducting the search, 680 banned intoxicant capsules were recovered from him and as per the FSL report, the same were found to be weighing 357.6 grams of Tramadol Hydrochloride, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 19 prosecution witnesses, 11 witnesses have been examined so far. 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 is behind bars since the date of his arrest i.e. 20.01.2024. As per custody certificate, the petitioner has suffered incarceration of 01 year, 10 months and 07 days as on 27.11.2025. Though the petitioner is involved in 02 more case, however, he is on bail in those cases. As submitted before this Court, out of total 19 prosecution witnesses, 11 witnesses have been examined till date.

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:-

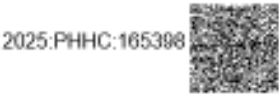
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as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

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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.11.2025
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Whether speaking/reasoned

Whether reportable

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(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No