



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

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CRM-M-26901-2025

Date of Decision: 23.09.2025

Bhim Sen**.....Petitioner****Vs.****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Sanjiv Kumar Yadav, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed by the petitioner praying for grant of regular bail in case FIR No.125 dated 21.05.2024, under Sections 20(b)(ii)B of the NDPS Act, registered at Police Station Kosli, District Rewari, now charge sheeted solely under Section 27(A) of NDPS Act.

2. Succinctly, facts of the case are that on 21.05.2024, police received a secret information to the effect that Sonu son of Gyani and Devendra son of Ishwar are indulging in selling the sulpha (charas) and they were coming in a white coloured car bearing No.HR 46 F 4771 from Kanina to Kosli and if the naqa is laid, they could be arrested along with the contraband. On finding the information reliable, the naqa was laid and thereafter, the police saw the car coming from Kanina side. It was stopped and the driver of the car disclosed his name as Sonu whereas, the person



sitting by side disclosed his name to be Devendra son of Ishwar. Two persons were coming on the motorcycle who were requested to become the witnesses and they joined as independent witnesses. On recovery of the car, offer was made and from underneath the mat of the vehicle, 974 grams of sulfa(charas) was recovered. Both Sonu and Devendra failed to produce any license regarding possession of the same. Thus, they were arrested for violation of the provisions of the NDPS Act. The name of the petitioner was surfaced on the basis of disclosure statement of co-accused Devender and the petitioner was apprehended from Samlech Flyover, Solan Himachal Pradesh in his car HP 01 AA 0461 and he was found in possession of 3 Kg. and 110 gram Sulfa (Charas). On registration of the FIR, investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, challan was presented. Petitioner-Bhim Sen approached the Court of learned Additional Sessions Judge, Rewari praying for grant of bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge, Rewari declined the same vide her order dated 19.12.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-3514 of 2025, however, the same was dismissed as withdrawn vide order dated 27.01.2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently submitted that the petitioner has been falsely and frivolously implicated in this case. He submits that on the basis of secret information, case has been planted upon the petitioner. He submits that the petitioner has no criminal



antecedents. It is submitted that petitioner is behind bars since the date of his arrest and investigation already stands completed. It is further submitted that charges have been framed on 07.03.2025 and out of 21 prosecution witnesses, none has been examined. Thus, in the facts and circumstances of the case, petitioner deserves to be granted bail.

4. Reply/Status report by way of affidavit of Vidyanand, HPS, Deputy Superintendent of Police, Kosli, District Rewari and custody certificate of the petitioner dated 22.09.2025 have been filed on behalf of respondent-State of Haryana. The same are taken on record.

5. Learned State counsel however, has opposed the submissions made by counsel for the petitioner. He has submitted that during investigation, on the disclosure made by the co-accused Devender, petitioner- Bhimsen was arrested from whom 3 kg 110 grams of charas was recovered. He submits that petitioner would be liable for the prosecution of the same as the same was a commercial quantity. He has produced the custody certificate. He thus, submits that there being no merit in the present petition, the same deserves to be dismissed.

6. This Court has heard counsel for the parties and perused the record with their able assistance. It is deciphered from the facts of the case that the petitioner has been arrested in this case on the basis of disclosure statement made by co-accused Devender and from the search of the car in which he was travelling, 03 Kg 110 grams of charas was recovered which is admittedly commercial quantity. It is an admitted fact that the petitioner was in jail at that time. However, it is apparent that co-accused Sonu has already



been granted default bail under Section 167(2) Cr.P.C. and co-accused Devender has been enlarged on bail vide order dated 20.12.2024 passed by co-ordinate Bench of this Court. Custody certificate produced would show that petitioner is in incarceration from the last 01 year 03 months and 29 days. It further reflects that petitioner has not been prosecuted in any other case except the present case.

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 Live Law(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 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. 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.

23.09.2025

anil

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No