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

**CRM-M No.28786 of 2025
Date of Decision: 28.10.2025**

Mohammad Nasim Alam**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. I. S. Kooner, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

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.209, dated 13.07.2024, under Section 18(b) of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Parao, Ambala Cantt., District Ambala.

2. Succinctly the facts of the case are that the police party, while on patrolling on 13.07.2024, received a secret information to the effect that Harjinder Singh @ Chhotu and Vishal Kumar @ Ilu are involved in the business of selling opium and were standing at the GT Road, Ambala Cantt and looking for a vehicle to go towards Shahabad and in case of raid, they could be apprehended along with a huge quantity of opium. On receiving the secret information, the raiding party was constituted and it



reached the place, as disclosed in the secret information, where two young boys were seen standing and one of them was carrying Khaki and black coloured jute bag in his hand. On suspicion, they were apprehended and on asking, they disclosed their names to be Harjinder Singh @ Chhotu and Vishal Kumar @ Ilu. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search, 2 Kgs 600 grams of Opium was recovered from the bag being carried by them and then on the personal search of Vishal Kumar @ Ilu, 480 grams of Opium was recovered and thus, a total recovery of 3 Kgs 80 grams of opium was shown to be effected from both of them. They failed to produce any licence regarding the conscious possession of the same and thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was also arrayed as an accused in the present case. The petitioner approached the Court of learned Additional Sessions Judge, Ambala praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Ambala declined the bail application filed by the petitioner vide order dated 27.11.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-1632-2025, however the same was dismissed as withdrawn vide order dated 20.01.2025. Hence being aggrieved, the petitioner is again before this Court praying for the grant of bail by way of filing the present second petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has



submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that even otherwise, the petitioner is behind bars since the date of his arrest, i.e. 18.07.2024 and thus, has suffered incarceration of more than 1 year. He has submitted that the petitioner is not involved in any other case. He, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Harjinder Singh @ Chootu. He has drawn the attention of this Court to the order dated 24.07.2025 passed in CRM-M-48710-2024, whereby the co-accused, namely, Harjinder Singh @ Chootu has been granted regular bail by this Court. He has submitted that on the basis of parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail by this Court.

4. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that complicity of the petitioner has been prima facie established during the investigation as he was the supplier of the contraband. She has submitted that the recovery was effected on due compliance of provisions of NDPS Act and as the commercial quantity of 3 Kgs 80 grams of opium was effected from both the co-accused of the petitioner, the provisions of Section 37 of NDPS Act are attracted in this case. She has produced custody certificate of the petitioner today in the Court and the same is taken on record. She has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Harjinder Singh @



Chootu, who has already been granted bail by this Court vide order dated 24.07.2025.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was nominated in the present case on the basis of disclosure statement of co-accused, from whom the recovery has been effected. The petitioner is behind bars since the date of his arrest, i.e. 18.07.2024. Custody certificate of the petitioner would show that the petitioner has suffered incarceration of 01 year, 03 months and 09 days on the 27.10.2025. It further reflects that the petitioner is not involved in any other case. Recovery effected in the present case falls under the category of commercial quantity. Co-accused, namely, Harjinder Singh @ Chootu is on bail and case of the petitioner as stated above is at par with him.

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. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned

counsel for the petitioner succeeds in making out a case for the grant of



bail on parity.

10. 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.

(RAJESH BHARDWAJ)
JUDGE

28.10.2025

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No