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

**CRM-M No.31071 of 2024
Date of decision : 05.08.2025**

Manoj Kumar

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mohan Sharma, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.107, dated 10.04.2023 under Sections 22-C, 29, 61-85 of NDPS Act, 1985, registered at Police Station Kalka, District Panchkula, Haryana.

2. Succinctly the facts of the case are that the police party while on patrolling on 10.04.2023 received a secret information to the effect that Manoj Kumar, resident of near Christ Model School, Tipra, is indulged in selling intoxicant capsules. It was informed that he keeps a large quantity of intoxicant capsules in his rented room and in case of raid, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and it reached at the place



as disclosed in the secret information. One person was found at the place, who, on asking, disclosed his name as Manoj Kumar. He was suspected to be carrying some contraband and thus, his personal search as well as of his room was conducted. On conducting the search, 11760 capsules of Pyeevon Spas Plus was recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. On completion of the investigation, the challan was presented. On framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Panchkula twice praying for grant of regular bail, however, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Panchkula dismissed both the bail applications filed by the petitioner vide orders dated 09.11.2023 & 17.05.2024, respectively. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously roped in the present case. He has submitted that FIR in the present case was registered on the basis of secret information, however there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the alleged recovery has been effected from the personal search and that of the room of the petitioner and thus, provisions of Section 50 of NDPS Act are attracted, however there is a violation of provisions of Section 50 NDPS



Act as well. He has submitted that no independent witness was joined by the Investigating Agencies. To buttress his arguments, he has submitted that the petitioner has no criminal antecedents and the present case has been planted upon the petitioner in a premeditated manner. He has submitted that rest of the co-accused are already on bail. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 10.04.2023 and has completed incarceration of more than 03 years, however there is no progress in the trial and thus, the right of speedy trial even otherwise is miserably defeated. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He, on instructions from PSI Rajbir Singh, has submitted that the petitioner was specifically named in the secret information. He has submitted that on conducting raid, the petitioner was found present on the spot and a large quantity of capsules of Pyeevon Spas Plus containing Tramadol salt was recovered. He has submitted that the total weight of the contraband recovered is 7.69 Kgs, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of total 24 prosecution witnesses, only 01 witness has been examined so far. He has endorsed the fact that rest of the co-accused are already on bail. He has placed on record the custody certificate of the petitioner.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the basis of secret



information. The petitioner was arrested on 10.04.2023. The recovery effected from the petitioner is 7.69 Kgs, which is a commercial quantity. Co-accused of the petitioner are already on bail. Out of total 24 prosecution witnesses, only one witness has been examined till date. Custody certificate produced would show that the petitioner has completed incarceration of 02 year, 03 months & 23 days as on 04.08.2025. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other 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 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

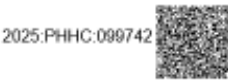
21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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. Accordingly, the present petition is allowed and the petitioner is



ordered to be released on bail on her 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.

05.08.2025			(RAJESH BHARDWAJ)
<i>rittu</i>			JUDGE
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No