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

**CRM-M No.33498 of 2025
Date of Decision: 28.10.2025**

Gurpreet Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Onkar Rai, Advocate
for the petitioner.

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

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.0164, dated 24.10.2024, under Section 22 of NDPS Act, 1985, registered at Police Station Mukerian, District Hoshiarpur.
2. Succinctly the facts of the case are that the police party, while on patrolling on 24.10.2024, saw a person standing in front of the cremation ground. However, on seeing the police, he got perplexed and took out a polythene envelope from the right pocket of his trouser and threw it on the ground. On suspicion, he was apprehended and on asking, he disclosed his name to be Gurpreet Singh (petitioner). He was suspected to be carrying some contraband in the envelope thrown by him and thus, the same was searched. On conducting the search of the polythene bag,



107 loose intoxicating tablets were 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. The samples taken were sent to the FSL. As per the report of the FSL, intoxicating tablets recovered were found to be containing Etizolam weighing 11.128 grams. On completion of the investigation, the challan was presented and on framing of charge, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Hoshiarpur praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Hoshiarpur declined the bail application filed by the petitioner vide order dated 05.02.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery has been effected from the public place, however no independent witness has been joined. He has submitted that there is a violation of the provisions of Section 50 of NDPS Act in conducting the search. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 24.10.2024, however the trial has not concluded so far. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case except the present case. 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. She has submitted that the recovery has been effected on due compliance of provisions of NDPS Act. She has submitted that the recovered contraband weighs 11.128 grams of Etizolam, 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 total 08 prosecution witnesses, 04 witnesses still remain to be examined. She has produced 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 alleged recovery in the present case has been effected from the petitioner. The petitioner is behind bars since 24.10.2024. The total recovery in the present case is 11.128 grams of Etizolam, which is a commercial quantity. Out of total 08 prosecution witnesses, 04 witnesses still remain to be examined. Custody certificate produced would show that the petitioner has completed incarceration of 01 year and 01 day as on 27.10.2025. It further reflects that the petitioner is not 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. 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.

28.10.2025

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

(RAJESH BHARDWAJ)
JUDGE