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

**CRM-M No.36463 of 2025
Date of Decision: 26.08.2025**

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

Present :- Mr. Sushil Sheoran, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, 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.471, dated 29.11.2024, under Section 20(c) & 29 of NDPS Act, 1985, registered at Police Station Purani Sabzi Mandi Rohtak, District Rohtak.

2. Succinctly the facts of the case are that the police party, while on patrolling on 29.11.2024, received a secret information to the effect that Vicky son of Gulshan is involved in selling of narcotic substance. It was informed that he was standing near the grocery shop of Somi in Gali Pahada Mohalla Rohtak along with the contraband and if the raid is conducted, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached the place, as disclosed in the secret information. A boy, as



disclosed in the secret information, was found standing with an orange coloured plastic bag in his right hand and thus, he was apprehended. On asking, he disclosed his name to be Vicky. He was suspected to be carrying some contraband in the orange plastic bag being carried by him and thus, search of the same was conducted. On conducting the search, 13 bottles of Win Cerex Cough Syrup Codeine Phosphate Triprolidine Hydrochloride Syrup was recovered. He failed to produce any license 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. During the investigation, he made disclosure statement about the petitioner and thus, the petitioner was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 01.12.2024. However on receipt of the FSL, the challan was presented. The petitioner approached the Court of learned Additional Sessions Judge, Rohtak praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the same was dismissed by the learned Additional Sessions Judge, Rohtak vide order dated 28.05.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that neither the petitioner was named in the secret information nor any recovery has been effected from him. He has submitted that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused, which in itself is not even an



admissible evidence. He has submitted that the investigation is complete and the challan is also presented. He has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that complicity of the petitioner was duly proved during the investigation. She has submitted that the contraband recovered from co-accused, namely, Vicky was supplied by the petitioner. She has submitted that the total contraband recovered in the present case weighs 1.3 Kgs, 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 18 prosecution witnesses, no witness has been examined till date. She has placed on record 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 petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, Vicky, from whom 13 bottles of Win Cerex Cough Syrup Codeine Phosphate Triprolidine Hydrochloride Syrup were recovered. The petitioner was arrested on 01.12.2024 and since then, he is behind bars. Custody certificate produced would show that the petitioner has completed incarceration of 08 months and 23 days as on 25.08.2025. It further reflects that the petitioner is not involved in any other case. Out of



18 prosecution witnesses, no witness been examined till date.

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. xxxxxx

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. xxxxxx

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.

26.08.2025

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

(RAJESH BHARDWAJ)
JUDGE