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

CRM-M No.34747 of 2025

Date of Decision: 04.12.2025

Gagandeep Ram @ Gaggi**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present: Mr. Himanshu Bansal, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

*********RAJESH BHARDWAJ, J. (ORAL)**

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.27, dated 08.04.2024, under Sections 21(c)/61/85 of NDPS Act, 1985, registered at Police Station Balianwali, District Bathinda.

2. Succinctly the facts of the case are that the police party was on patrolling on 08.04.2024 and when they reached near Sunny Bhullar Dhaba, they saw that one person on the left side of the road, near the bridge, was checking a transparent plastic polybag, which he was holding in his hands. However, on seeing the police, he tried to escape and thus, on suspicion, he was apprehended. On asking, he disclosed his name to be Gagandeep Ram @ Gaggi. He was suspected to be carrying some contraband in the transparent bag, which he was holding in his hands and

thus, the same was searched. On conducting the search of the same, 130



intoxicant 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. On receipt of the FSL, the contraband found to be containing 11.7 grams of Etizolam. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Bathinda praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Bathinda declined the bail application filed by the petitioner vide order dated 13.08.2024. Being aggrieved, the petitioner earlier approached this Court twice by way of filing CRM-M-45833-2024 and CRM-M-192-2025 praying for the grant of bail, however the same were dismissed as not pressed vide orders dated 19.09.2024 and 01.04.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present third petition praying for the grant of bail.

3. Learned counsel for the petitioner has submitted 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 blatant violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search. He has submitted that though the petitioner has been falsely prosecuted in 01 more case, however he is on bail in that case. He has submitted that the petitioner has suffered an incarceration of about 1½ years, however, there is no material progress in



the trial and thus, his right of speedy trial is miserably defeated. He has submitted that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the recovery effected from the petitioner in the present case is 130 intoxicant tablets which as per the FSL report, were found to be weighing 11.7 grams of Etizolam, which is commercial in nature, and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of total 13 prosecution witnesses, 07 witnesses have been examined so far. He has submitted that the petitioner is involved in 01 more case. He 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 recovery has been effected from the public place. The petitioner was arrested on the spot. The alleged recovery effected in the present case is 11.7 grams of Etizolam, which is commercial in nature. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 05 months and 15 days as on 03.12.2025. As submitted by learned counsel for the petitioner that the petitioner has been falsely prosecuted in 01 more case, however he is on bail in that case. Out of 13 prosecution witnesses, 07 witnesses have been examined so far.

7. 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.

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.

04.12.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No
			JUDGE