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

CRM-M-40130-2025

Date of Decision: 12.11.2025

Sanjeet Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.S. Verma, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.412 dated 11.10.2022 under Sections 22 & 61 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Division No.7, District Ludhiana.

2. Succinctly, facts of the case are that on 11.10.2022, when the police party while on patrolling checking the vehicles, then near Dashmesh Dairy street, a person holding a heavy black coloured polythene bag was seen. On seeing the police, he got scared and in this process, out of the polythene bag, tablets fell on the road. On asking, he disclosed his name to be Sanjeet Kumar (petitioner). He was suspected to be carrying some contraband in the bag and the same was searched. On conducting search of the bag, 1140 tablets were found in the same. He failed to produce any licence regarding the possession of the same, and thus, on the registration of the FIR, he was arrested. The investigation commenced. Samples taken were sent to the FSL. On receipt of the FSL report, the contraband was found to be Alprazolam weighing 141.36 grams and thereafter, challan was presented. On framing of charges, the investigation commenced. The petitioner approached the Court of learned Judge, Special Court, Ludhiana



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praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 31.01.2023. Earlier the petitioner approached this Court twice by way of filing CRM-M-21505-2023, which was dismissed for non-prosecution vide order dated 10.01.2025 and CRM-M-34888-2024, which was dismissed vide order dated 01.04.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that as evident from the case of the prosecution, the alleged recovery has been effected from a public place, however, no independent witness has been joined. He submits that there is violation of mandatory provisions of Section 50 of the NDPS Act. He submits that the petitioner is behind bars from the last more than three years, however, till date the prosecution has not been able to conclude the trial and thus, the right of the petitioner of speedy trial is miserably defeated. It is submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the recovery effected from the petitioner is 141.36 grams of Alprazolam, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions, he submits that out of total 10 prosecution witnesses, 05 witnesses have been examined so far. He has placed on record



the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on 11.10.2022. Out of total 10 prosecution witnesses, 05 witnesses have been examined. The custody certificate would show that the petitioner has suffered incarceration of 03 years & 29 days as on 11.11.2025. It further shows that the petitioner is not involved in any other case. Needless to say that every accused has fundamental right of speedy trial.

6. 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.

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21it 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.



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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.’*

7. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon’ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.



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9. 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. 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, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

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.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

12.11.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No