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

**CRM-M No.41029 of 2025
Date of Decision: 09.12.2025**

Sunil Sharma**..... Petitioner****Versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.12, dated 12.01.2024, under Sections 15 & 29 of NDPS Act, registered at Police Station Naraingarh, District Ambala, Haryana.

2. Succinctly the facts of the case are that the police party, while on patrolling on 12.01.2024, received a secret information to the effect that Sanu son of Late Banarsi Das was involved in the smuggling of Poppy Husk and stored the huge quantity at his house. It was informed that in case of raid, 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, i.e. the house of Sanu. A person was found sitting on the cot in the room constructed for



animals. On asking, he disclosed his name to be Sanu. On giving the offer, search of the house was conducted and on conducting the search of the house, 11 bags containing Doda Chura (Poppy Husk) were recovered. The total weight of Poppy Husk recovered from the house of the petitioner comes to 2.37 quintals. 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 completion of the investigation, the challan was presented and on framing of charges, the trial commenced. During the investigation, he made a disclosure statement about the petitioner, namely, Sunil Sharma that he was the supplier of the contraband and thus, he was also arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 22.01.2024. The petitioner approached the Court of learned Additional Sessions Judge, Ambala praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Ambala declined the bail application filed by the petitioner vide order dated 21.08.2024. Being aggrieved, the petitioner earlier approached this Court praying for the grant of bail by way of filing CRM-M-45635-2024, however the same was dismissed as not pressed vide order dated 20.03.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second 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 neither the petitioner has been named in the secret



information nor any recovery has been effected from him, however he has been implicated in the present case only on the basis of disclosure statement of co-accused, which in itself is not even an admissible evidence. He has submitted that even otherwise, there is a violation of mandatory provisions of Sections 42 & 50 of NDPS Act. He has submitted that no independent witness has been joined. He has further submitted that the offence under Section 29 of NDPS Act would not be attracted. He has submitted that though the petitioner was prosecuted in one more case, however he is on bail in that case. He has submitted that the petitioner is behind bars from last more than 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 complicity of the petitioner surfaced during the investigation. He has submitted that the quantity recovered in the present case from the co-accused, i.e. 2.37 quintals of Poppy Husk, falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has further submitted that one container has also been recovered from the petitioner. He, on instructions, has submitted that out of total 18 prosecution witnesses, no witness has been examined so far. 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 FIR was registered on the basis of secret information and the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. The petitioner was arrested on the spot on 22.01.2024 and since then, he is behind bars. The alleged recovery effected in the present case is 2.37 quintals of Poppy Husk, from the co-accused, which is commercial in nature. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 10 months and 17 days on the 08.12.2025. It further reflects that the petitioner is involved in one more case. However as per the custody certificate, he is not on bail whereas learned counsel for the petitioner has argued that he is on bail. Out of 18 prosecution witnesses, no witness has been examined so far. Needless to say that every accused has the fundamental right of speedy trial.

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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

09.12.2025

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

(RAJESH BHARDWAJ)
JUDGE