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

**CRM-M No.41486 of 2025
Date of Decision: 20.11.2025**

Bharat Bhushan @ Babu Bakshi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

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.230, dated 26.08.2024, under Section 22(C) & 29 of NDPS Act, registered at Police Station Sadhaura, District Yamuna Nagar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 26.08.2024, received a secret information to the effect that Karna, son of Shyam Lal is involved in selling the narcotic capsules. It was informed that he would come from Sadhaura to Kala Amb on his motorcycle bearing registration No.HR-01-W-8251 brand Splendor along with the contraband and in case of barricading, he could be apprehended along with the contraband. On receiving the secret information, the police laid the barricading at the place as disclosed in the secret information. The motorcycle as disclosed was seen coming and the same was stopped by



the police party. The person riding the motorcycle, on asking, disclosed his name to be Karna. A bag was hanging on the motorcycle. He was suspected to be carrying some contraband in the bag and thus the search of the same was conducted. On conducting the search of the bag, 960 banned narcotic capsules, containing Acetaminophen, Tramadol Hydrochloride, Dicyclomine Hydrochloride capsules brand Proximo Spas, 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. During the investigation, he made a disclosure statement about the complicity of the petitioner and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 08.09.2024. The petitioner approached the Court of learned Additional Sessions Judge, Yamuna Nagar praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Yamuna Nagar declined the bail application filed by the petitioner vide order dated 17.07.2025. Being aggrieved, the petitioner earlier approached this Court twice praying for the grant of bail by way of filing CRM-M-62437-2024 and CRM-M-3087-2025, however the same were dismissed vide orders dated 17.12.2024 and 27.03.2025, respectively. 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 of 960 capsules of Tramadol Hydrochloride were recovered from the co-accused and not from the



petitioner. He has submitted that even in the secret information, the petitioner was not named. He has submitted that the petitioner has been named in the present FIR on the basis of disclosure statement of co-accused, which is not even an admissible evidence. To buttress his arguments, he has submitted that the petitioner has never been prosecuted in any other case of the similar nature. He has submitted that though the petitioner has been prosecuted in one more case, however he is on bail in that case. He has submitted that the petitioner is behind bars 08.09.2024, however there is no progress in the trial. 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. She has submitted that the contraband weighed about 480 grams of Tramadol Hydrochloride has been recovered in the present case from the co-accused, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She has submitted that complicity of the petitioner was duly proved during the investigation as he was found to be the supplier of the contraband. She, on instructions, has submitted that out of total 14 prosecution witnesses, only 04 witnesses have been examined so far. 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 petitioner in the present case has been arrayed as an accused on the basis of disclosure statement of co-accused and he was arrested on the spot on 08.09.2024. The alleged recovery of

480 grams of Tramadol Hydrochloride has been effected from the co-



accused, which is commercial in nature. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 02 months and 12 days on the 19.11.2025. It further reflects that the petitioner is not involved in any other case of similar nature. Though he is involved in one more case, however he is on bail in that case. Out of 14 prosecution witnesses, only 04 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.

(RAJESH BHARDWAJ)
JUDGE

20.11.2025

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