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

CRM-M-43181-2025

Date of decision : 10.12.2025

Rohit Pandey @ Rohit**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Saurav Kanojia, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.04 dated 04.01.2025 registered under Sections 22 and 29 of NDPS Act, 1985 at Police Station S.T.F. Wing, District Mohali.

2. As per the prosecution version, the present FIR was registered on the basis of secret information and in pursuance thereof, 1188 strips each containing 10 tablets and total 11880 tablets of Alprazolam tablets having batch No.ENT 36, manufacturing date: 06/2024, expiry date: 05/2026, were recovered from the conscious possession of co-accused Abhishek Sharma @ Abhi and Pawan Kumar without any licence or permit, on 03.01.2025 in the area of Dana Mandi T-Point, Arora Palace, Ludhiana, when they were traveling on Splendor motorcycle bearing registration No.PB-10-FD-2896. During investigation, record regarding manufacturing firm M/s Euphoria India Pharmaceuticals



was collected, from which, it was found that the recovered intoxicating tablets were sold to M/s Gauri Ganesh Pharma, 138/81, Dhakna Purwa Transport Nagar, Kanpur (UP). Regarding the record obtained from the firm of co-accused, Ompal Singh, Drug Inspector, Kanpur Nagar, U.P. had also given report that no such firm by the name of M/s Gauri Ganesh Pharma existed nor any Drug Licences No.UP7820B003523 and UP7821B003524 were ever issued to any firm. The co-accused also could not produce any document regarding verification of firm and above-said drug licences by the owners/partners of firm M/s Euphoria India Pharmaceuticals. During investigation, the petitioner was nominated as accused on the basis of disclosure statement of co-accused Kuldeep Singh and resultantly, he was arrested on 25.05.2025. Thereafter, the petitioner approached Ld. Judge, Special Court, Ludhiana, for grant of bail, however, after hearing both the sides, the same was declined by the Learned Judge, Special Court, Ludhiana vide order dated 19.07.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused, namely, Kuldeep Singh. He, at the outset, prays for the grant of bail on the basis of parity with that of co-accused, namely, Kuldeep Singh, who has already been granted bail by this Court vide order dated 08.10.2025 passed in **CRM-M-41058-2025**. He has submitted that case of the petitioner is at par with that of the co-accused, who has been granted bail by this Court. He submits that challan has been presented, however, charges are yet to be framed. He submits

that on the basis of the parity, petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. However, he endorsed the fact that case of the petitioner is at parity with that of co-accused, namely, Kuleep Singh, who has been granted bail by this Court vide order dated 08.10.2025 passed in **CRM-M-41058-2025**. The recovery effected in the present case falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He has placed on record the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected in the present case falls under the category of commercial quantity. The petitioner was arrayed as an accused in the present case only on the basis of disclosure statement made by the co-accused, Kuldeep Singh, who has already been granted bail by this Court vide order dated 08.10.2025 passed in **CRM-M-41058-2025**. As per custody certificate, the petitioner has suffered an incarceration of 06 months and 11 days as on 09.12.2025. It further reflects that the petitioner is involved in 04 more case, out of which, in 02 cases he is on bail; in 01 case he has already undergone the sentence and in 01 case he has been discharged.

6. 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. 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.*

7. 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. 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 and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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