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

**CRM-M No.43871 of 2025
Date of Decision: 19.08.2025**

Angrej Singh @ Geja**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.256, dated 12.06.2024, under Section 15 of NDPS Act, 1985 (Section 27 & 29 of NDPS Act added later on), registered at Police Station Kurukshetra University, District Kurukshetra.

2. Succinctly the facts of the case are that on 12.06.2024, the police, while on patrolling, received a secret information to the effect that Angrej Singh @ Geja (petitioner) is involved in smuggling of Poppy Husk. He takes his canter from Punjab and Haryana to Madhya Pradesh and Rajasthan and on returning from there, he brings huge quantity of



Poppy Husk at cheap rates. It was informed that he would come to village Pehowa from village Jamba to village Kirmich via village Mirzapur and if the barricading is laid, he could be arrested along with the contraband. On receiving the secret information, the raiding party was constituted and the *naaka* was laid at the place disclosed. The canter, as disclosed, was seen coming and the same was stopped. The driver of the truck, on asking, disclosed his name to be Angrej Singh @ Geja (petitioner). On search of the canter, 23 bags contained Poppy Husk were recovered and on weighing, the same were found to be 464 Kgs of Poppy Husk. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and the petitioner was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, the challan was presented and on framing the charge, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge-cum-Judge, Special Court, Kurukshetra praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge-cum-Judge, Special Court, Kurukshetra declined the petition filed by the petitioner vide order dated 23.12.2024. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the FIR has been registered on the basis of secret information, however, there is a violation of mandatory provisions of



Section 42 of the NDPS Act. He has submitted that no independent witness was joined. To buttress his arguments, he has submitted that as per the secret information, the petitioner was involved in smuggling of Poppy Husk but the petitioner has no criminal antecedents as he has never been involved in any other case except the present case. He has submitted that in all there are 04 accused and rest of 03 of the accused have already been granted bail by this Court vide orders dated 21.07.2025 & 23.07.2025 passed in CRM-M-16829-2025; CRM-M-3425-2025 and CRM-M-60781-2024, respectively. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 12.06.2024, however there is no progress in the trial and thus, the right of speedy trial has been defeated. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner there was a specific secret information about the petitioner. He has submitted that on conducting the search of the canter, which was being driven by the petitioner, Poppy Husk weighing 464 Kgs has been recovered, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted in this case. He, on instructions, has submitted that out of total 22 prosecution witnesses, only 03 witnesses have been examined so far. He has endorsed the fact that rest of the 03 accused have already been granted bail. He has placed on record 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 was arrayed as an accused in the present case on the basis of secret information. The petitioner is behind bars since 12.06.2024. The recovery effected is 464 Kgs of Poppy Husk, which is a commercial quantity. Rest of 03 of the accused have already been granted bail. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 02 months and 03 days as on 18.08.2025. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case. Out of 22 prosecution witnesses, only 03 witnesses have been examined so far.

7. 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

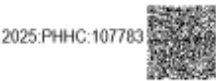
21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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.”*

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. The trial of the case will take sufficiently long time.

9. 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. 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.

19.08.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No
			JUDGE