



227

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

CRM-M-44593-2025

Date of decision :22.08.2025

Bhim Singh**.....Petitioner****versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail to the petitioner in case FIR No.84 dated 24.12.2023, under Sections 15 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sandaur, District Malerkotla.
2. Succinctly the facts of the case are that on 24.12.2023, the police party while on patrolling, received a secret information to the effect that Bhim @ Bhima (present petitioner) and Jeon Kaur @ Jeoni were habitual of selling poppy husk in connivance with each other and concealed a heavy quantity of poppy husk in the cattle adjacent to their house. In case raid is conducted, they could be arrested along with the contraband. On receiving the information, the raiding party was constituted and raid was conducted at the disclosed place. On search of same, 60 kgs of poppy husk were recovered. They failed to produce any licence regarding the possession of the same and thus, were arrested on the spot. On registration of FIR, investigation commenced. Samples taken



from the contraband were sent to FSL. On receiving the FSL report, challan was presented and on framing of charges, the trial Court commenced with the trial. The petitioner approached the learned Judge, Special Court, Sangrur for grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court, Sangrur vide order dated 12.03.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-22623-2024 but the same was dismissed as withdrawn vide order dated 05.03.2025. Hence, the petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that as is evident, the present FIR has been registered on the basis of secret information. He submits that there is violation of Section 42 of NDPS Act. He submits that the compliance of Section 50 of NDPS Act, is mandatory, however, there is violation of the same as well. He submits that no recovery as alleged has been made, however, the same has been planted upon the petitioner. It is submitted that the petitioner is behind bars since the date of his arrest and he has suffered an incarceration of more than 1 ½ years. He submits that the petitioner is involved in 03 other cases i.e. one case is under Excise Act whereas, 02 cases are under NDPS Act, however, he has already undergone the sentence. He submits that there is no progress in the trial despite the petitioner languishing in jail from last more than 1 ½ years. He submits that petitioner's right of speedy trial is defeated and thus in the facts and circumstances of the case, the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that there was specific information regarding the petitioner and on conducting the search, 60 Kgs of poppy husk was recovered, which falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He further submits that the petitioner is a habitual offender as he is involved in other cases as well. He, on instructions, has submitted that out of total 18 prosecution witnesses, none has been examined so far. He has produced the custody certificate of the petitioner on record.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 24.12.2023. As submitted, out of total 18 prosecution witnesses, none has been examined so far. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 07 months and 25 days as on 20.08.2025. It further shows that the petitioner is involved in other cases as well, however, he is on bail in those cases.

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.

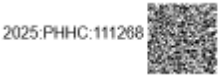
20. xxxxx

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.

22.08.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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