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

**CRM-M No.44838 of 2025
Date of decision : 22.08.2025**

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

Present :- Mr. Rahul Garg, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for grant of regular bail to the petitioner in case bearing FIR No.95, dated 07.08.2024, under Sections 21, 22-C and 29/61/85 of NDPS Act, 1985, registered at Police Station Bhogpur, District Jalandhar Rural, Punjab.
2. Succinctly the facts of the case are that the police party while on patrolling on 07.08.2024, saw a person coming on foot with a polythene bag in his right hand. On seeing the police, he got perplexed. On suspicion, he was stopped and on asking, he disclosed his name to be Kuldeep @ Ricky. He was suspected to be carrying some contraband. Thus, on giving the offer, the polythene bag was searched. From conducting the search of the polythene bag, 02 other polythene bags were recovered from which 100 loose intoxicant tablets and 4.28 grams of heroin were recovered. He failed to produce any licence regarding the



conscious possession of the same and 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. The petitioner approached the Court of learned Judge, Special Court, Jalandhar praying for grant of regular bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Jalandhar dismissed the bail application filed by the petitioner vide order dated 11.10.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-8088-2025 praying for the grant of bail, however the same was dismissed as not pressed vide order dated 30.04.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present second petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. 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 the petitioner has no criminal antecedents. He has submitted that the petitioner is behind bars since the date of his arrest i.e. 07.08.2024, however there is no progress in the trial. He submits that co-accused of the petitioner, namely, Rajani @ Rajji, has already been granted bail by this Court vide order dated 06.08.2025 passed in CRM-M-41270-2025. He thus, submits 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 and submits that the



recovery effected from the petitioner was 100 intoxicant tablets containing Etizolam, however as per the FSL report, the total weight of the contraband comes out to be 10.3 grams, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that out of 16 prosecution witnesses, no witness has been examined till date. He has placed on record custody certificate of the petitioner on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 07.08.2024 and since then he is behind bars. As submitted before this Court, no witness has been examined, out of total 16 prosecution witnesses. Custody certificate produced would show that the petitioner has completed incarceration of 01 year and 13 days as on 21.08.2025. It further reflects that the petitioner has no criminal antecedents.

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.

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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.



8. 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, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of 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 trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.08.2025

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(RAJESH BHARDWAJ)
JUDGE

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